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S T A T E P A P E R S.

5

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The Volumes published FOR SALE, previously to the present Volume, are those for 1818—1819; 1819—1820; 1828—1829; 1829—1830; 1830—1831; 1831—1832; and 1832—1833. The intermediate Volumes between the Volume 1819—1820, and that for 1828—1829, will be re-printed for the same purpose.

The present Volume will form Vol. V. of the entire Series.

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BRITISH AND FOREIGN

State Papers.



*SPEECH of the Lords Commissioners, on the Opening of
the British Parliament.—27th January, 1818.*

My Lords, and Gentlemen,

WE are commanded by His Royal Highness The Prince Regent to inform you, that it is with great concern that He is obliged to announce to you the continuance of His Majesty's lamented indisposition.

The Prince Regent is persuaded that you will deeply participate in the affliction with which His Royal Highness has been visited, by the calamitous and untimely death of his beloved and only Child, the Princess Charlotte.

Under this awful dispensation of Providence, it has been a soothing consolation to The Prince Regent's heart, to receive from all descriptions of His Majesty's Subjects the most cordial assurances, both of their just sense of the loss which they have sustained and of their sympathy with his parental sorrow: and, amidst his own sufferings, His Royal Highness has not been unmindful of the effect which this sad event must have on the interests and future prospects of the Kingdom.

We are commanded to acquaint you, that The Prince Regent continues to receive from Foreign Powers, the strongest assurances of their friendly disposition towards this Country, and of their desire to maintain the general tranquillity.

His Royal Highness has the satisfaction of being able to assure you, that the confidence which He has invariably felt in the stability of the great sources of our national prosperity has not been disappointed.

The improvement which has taken place in the course of the last Year in almost every branch of our domestic industry, and the present state of public credit, afford abundant proof that the difficulties under which the Country was labouring were chiefly to be ascribed to temporary causes.

[1817—18.]

So important a change could not fail to withdraw from the disaffected, the principal means of which they had availed themselves for the purpose of fomenting a spirit of discontent, which unhappily led to acts of insurrection and treason: and His Royal Highness entertains the most confident expectation, that the state of peace and tranquillity to which the Country is now restored, will be maintained against all attempts to disturb it, by the persevering vigilance of the Magistracy, and by the loyalty and good sense of the People.

Gentlemen of the House of Commons,

The Prince Regent has directed the Estimates for the current Year to be laid before you.

His Royal Highness recommends to your continued attention the state of the public Income and Expenditure; and He is most happy in being able to acquaint you, that, since you were last assembled in Parliament, the Revenue has been in a state of progressive improvement in its most important branches.

My Lords, and Gentlemen,

We are commanded by The Prince Regent to inform you, that He has concluded Treaties with the Courts of Spain and Portugal, on the important subject of the Abolition of the Slave-trade.

His Royal Highness has directed, that a Copy of the former Treaty should be immediately laid before you, and he will order a similar communication to be made of the latter Treaty, as soon as the Ratification of it shall have been exchanged.

In these Negotiations, it has been His Royal Highness's endeavour, as far as circumstances would permit, to give effect to the recommendations contained in the joint Addresses of the 2 Houses of Parliament; and His Royal Highness has a full reliance on your readiness to adopt such measures as may be necessary for fulfilling the Engagements into which He has entered for that purpose.

The Prince Regent has commanded us to direct your particular attention to the deficiency which has so long existed in the number of Places of Public Worship belonging to the Established Church, when compared with the increased and increasing Population of the Country.

His Royal Highness most earnestly recommends this important subject to your early consideration, deeply impressed, as He has no doubt you are, with a just sense of the many blessings which this Country, by the favour of Divine Providence, has enjoyed, and with the conviction, that the religious and moral habits of the People are the most sure and firm foundation of National prosperity.

DOCUMENTS relative to the Claims of Citizens of The United States upon France, for French Spoliations prior to 1800 — 1778 to 1804.*

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† See Vol. 1825, 1826. Page 1143.

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*No. 1.—Treaty of Alliance between The United States and France.
Paris, 6th February, 1778.*

ART. XI. The 2 Parties guaranty mutually, from the present time, and forever, against all other Powers, to wit: The United States to His Most Christian Majesty, the present Possessions of the Crown of France in America, as well as those which it may acquire by the future Treaty of Peace: and His Most Christian Majesty guaranties on his part to The United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of Government as commerce, and also their Possessions, and the additions or conquests that their Confederation may obtain, during the War, from any of the Dominions now or heretofore possessed by Great Britain in North America, conformable to the Vth and VIth Articles above written, the whole as their possession shall be fixed and assured to the said States, at the moment of the cessation of their present War with England.

XII. In order to fix more precisely the sense and application of the preceding Article, the Contracting Parties declare, that, in case of a rupture between France and England, the reciprocal guarantee declared in the said Article shall have its full force and effect the moment such War shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present War between The United States and England shall have ascertained their Possessions.

No. 2.—Treaty of Amity and Commerce between The United States and France.—Paris, 6th February, 1778.

ART. XVII. It shall be lawful for the Ships of War of either Party, and Privateers, freely to carry, whithersoever they please, the Ships and goods taken from their Enemies, without being obliged to pay any duty to the Officers of the Admiralty or any other Judges; nor shall such Prizes be arrested or seized when they come to or enter the Ports of either Party; nor shall the Searchers or other Officers of those Places search the same, or make examination concerning the lawfulness of such Prizes; but they may hoist sail at any time, and depart and carry their Prizes to the Places expressed in their Commissions, which the Commanders of such Ships of War shall be obliged to show: on the contrary, no shelter or refuge shall be given in their Ports to such as shall have made prize of the Subjects, People, or property of either of the Parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

XXII. It shall not be lawful for any Foreign Privateers, not belonging to Subjects of the Most Christian King, nor Citizens of the said United States, who have Commissions from any other Prince or State in enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to sell what they have taken, or in any other manner whatsoever to exchange their Ships, merchandizes, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next Port of that Prince or State from which they have Commissions.

XXIII. It shall be lawful for all and singular the Subjects of the Most Christian King, and the Citizens, People, and Inhabitants of the said United States, to sail with their Ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any Port to the Places of those who now are or hereafter shall be at enmity with the Most Christian King or The United States. It shall likewise be lawful for the Subjects and

Inhabitants aforesaid, to sail with the Ships and merchandizes aforementioned, and to trade with the same liberty and security from the Places, Ports and Havens of those who are Enemies of both or either Party, without any opposition or disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to Neutral Places, but also from one Place belonging to an Enemy to another Place belonging to an Enemy, whether they be under the jurisdiction of the same Prince, or under several. And it is hereby stipulated, that free Ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the Ships belonging to the Subjects of either of the Confederates, although the whole lading, or any other part thereof, should appertain to the Enemies of either, Contraband Goods being always excepted. It is also agreed in like manner, that the same liberty be extended to Persons who are on board a free Ship, with this effect, that, although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers and in actual service of the Enemies.

XXIV. This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of Contraband, and under this name of Contraband, or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, granades, saltpetre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms, proper for arming Soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow shall not be reckoned among Contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with the species whereof they are used to be made; gold and silver, as well coined as uncoined; tin, iron, latten, copper, brass, coals; as also wheat and barley, and any other kind of corn and pulse; tobacco, and likewise all manner of spices; salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts; and in general all provisions which serve for the nourishment of mankind and the sustenance of life; furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors, and any parts of anchors; also Ship's masts, planks, boards, and beams, of what trees soever; and all other things proper, either for building or repairing Ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for War by land or by sea, shall not be reputed Contraband, much less such as have been already wrought

and made up for any other use: all which shall be wholly reckoned among free goods; as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the Subjects of both Confederates, even to Places belonging to an Enemy, such Towns or Places being only excepted as are at that time besieged, blocked up, or invested.

XXV. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that, in case either of the Parties hereto should be engaged in War, the Ships and Vessels belonging to the Subjects or People of the other Ally must be furnished with Sea Letters or Passports, expressing the name, property, and bulk of the Ship, as also the name and place of habitation of the Master or Commander of the said Ship, that it may appear thereby that the Ship really and truly belongs to the Subjects of one of the Parties, which Passport shall be made out and granted according to the Form annexed to this Treaty; they shall likewise be recalled every year, that is, if the Ship happens to return home within the space of a year. It is likewise agreed, that such Ships being laden are to be provided not only with Passports as abovementioned, but also with Certificates, containing the several particulars of the Cargo, the place whence the Ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said Certificates the Person to whom the goods on board belong, he may freely do so.

XXVII. If the Ships of the said Subjects, People, or Inhabitants of either of the Parties, shall be met with, either sailing along the Coasts or on the High Seas, by any Ship of War of the other, or by any Privateers, the said Ships of War or Privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their Boats aboard the Merchant Ship which they shall so meet with, and may enter her to the number of 2 or 3 Men only, to whom the Master or Commander of such Ship or Vessel shall exhibit his Passport concerning the property of the Ship, made out according to the Form inserted in this present Treaty; and the Ship, when she shall have showed such Passport, shall be free and at liberty to pursue her Voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

No. 3.—Treaty of Amity, Commerce, and Navigation, between The United States and Great Britain.—London, 19th November, 1794.

ART. III. It is agreed that it shall at all times be free to His Majesty's Subjects, and to the Citizens of The United States, and also to the Indians dwelling on either side of the said Boundary Line, freely to pass and repass, by land, or inland navigation, into the respective Territories and Countries of the 2 Parties, on the Continent of America, (the Country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on Trade and Commerce with each other. But it is understood that this Article does not extend to the admission of Vessels of The United States into the Seaports, Harbours, Bays, or Creeks of His Majesty's said Territories; nor into such parts of the Rivers in His Majesty's said Territories as are between the mouth thereof and the highest Port of Entry from the Sea, except in small Vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect; nor to the admission of British Vessels from the Sea into the Rivers of The United States, beyond the highest Ports of Entry for Foreign Vessels from the Sea. The River Mississippi shall, however, according to the Treaty of Peace, be entirely open to both Parties; and it is further agreed, that all the Ports and Places on its eastern side, to whichever of the Parties belonging, may freely be resorted to and used by both Parties, in as ample a manner as any of the Atlantic Ports or Places of The United States, or any of the Ports or Places of His Majesty in Great Britain.

All goods and merchandise whose importation into His Majesty's said Territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by the Citizens of The United States; and such goods and merchandise shall be subject to no higher or other Duties than would be payable by His Majesty's Subjects on the importation of the same from Europe into the said Territories. And in like manner, all goods and merchandise whose importation into The United States shall not be wholly prohibited, may freely, for the purpose of commerce, be carried into the same, in the manner aforesaid, by His Majesty's Subjects; and such goods and merchandise shall be subject to no higher or other Duties than would be payable by the Citizens of The United States on the importation of the same in American Vessels into the Atlantic Ports of the said States. And all goods not prohibited to be exported from the said Territories respectively may, in like manner, be carried out of the same by the 2 Parties respectively, paying Duty as aforesaid.

No Duty of Entry shall ever be levied by either Party on peltries

brought by land, or inland navigation, into the said Territories respectively; nor shall the Indians, passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any Impost or Duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging *bona fide* to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by Natives shall be demanded on either side; and no Duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reembarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each Party a free passage across the portages on both sides, it is agreed that this exemption from Duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this Article is intended to render in a great degree the local advantages of each Party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

XII. His Majesty consents, that it shall and may be lawful, during the time hereinafter limited, for the Citizens of The United States to carry to any of His Majesty's Islands and Ports in the West Indies from The United States, in their own Vessels, not being above the burden of 70 tons, any goods or merchandises, being of the growth, manufacture, or produce of the said States, which it is or may be lawful to carry to the said Islands or Ports, from the said States, in British Vessels; and that the said American Vessels shall be subject there to no other or higher Tonnage Duties or Charges than shall be payable by British Vessels in the Ports of The United States; and that the Cargoes of the said American Vessels shall be subject there to no other or higher Duties or Charges than shall be payable on the like articles if imported there from the said States in British Vessels.

And His Majesty also consents, that it shall be lawful for the said American Citizens to purchase, load, and carry away, in their said Vessels, to The United States, from the said Islands and Ports, all such articles, being of the growth, manufacture, or produce of the said Islands, as may now by law be carried from thence to the said States in British Vessels, and subject only to the same Duties and Charges on exportation, to which British Vessels and their Cargoes

are or shall be subject in similar circumstances : Provided always, that the said American Vessels do carry and land their Cargoes in The United States only ; it being expressly agreed and declared, that, during the continuance of this Article, The United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa, or cotton, in American Vessels, either from His Majesty's Islands, or from The United States, to any part of the World, except The United States ; reasonable sea stores excepted : Provided, also, that it shall and may be lawful, during the same period, for British Vessels to import from the said Islands into The United States, and to export from The United States to the said Islands, all articles whatever, being of the growth, produce, or manufacture of the said Islands, or of The United States, respectively, which now may, by the Laws of the said States, be so imported and exported ; and that the Cargoes of the said British Vessels shall be subject to no other or higher Duties or Charges than shall be payable on the same articles if so imported or exported in American Vessels.*

It is agreed that this Article, and every matter and thing therein contained, shall continue to be in force during the continuance of the War, in which His Majesty is now engaged ; and also for 2 years from and after the day of the signature of the Preliminary or other Articles of Peace, by which the same may be terminated.

And it is further agreed, that, at the expiration of the said term, the 2 Contracting Parties will endeavor further to regulate their commerce, in this respect, according to the situation in which His Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said Parties will then also renew their discussions, and endeavor to agree whether in any or what cases Neutral Vessels shall protect Enemy's property, and in what cases provisions and other articles, not generally contraband, may become such. But, in the mean time, their conduct towards each other, in these respects, shall be regulated by the Articles hereinafter inserted on those subjects.

XVII. It is agreed, that in all cases where Vessels shall be captured or detained on just suspicion of having on board Enemy's property, or of carrying to the Enemy any of the articles which are Contraband of War, the said Vessel shall be brought to the nearest or most convenient Port ; and if any property of an Enemy should be found on board such Vessel, that part only which belongs to the Enemy shall be made prize, and the Vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay in deciding the cases of Ships or Cargoes so brought in for adjudication, and in the payment or recovery

* This Article thus far annulled, (by the Additional Article.)

of any indemnification adjudged or agreed to be paid to the Masters or Owners of such Ships.

XVIII. In order to regulate what is in future to be esteemed Contraband of War, it is agreed, that under the said denomination shall be comprised, all arms and implements serving for the purposes of war, by land or by sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gunpowder, match, saltpetre, ball, spikes, swords, head-pieces, cuirasses, halberds, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, and cordage; and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an Enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles, not generally Contraband, may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise, it is further agreed, that whenever any such articles, so becoming Contraband according to the existing Laws of Nations, shall, for that reason, be seized, the same shall not be confiscated, but the Owners thereof shall be speedily and completely indemnified; and the Captors, or, in their default, the Government under whose authority they act, shall pay to the Masters or Owners of such Vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that Vessels sail for a Port or Place belonging to an Enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed that every Vessel so circumstanced may be turned away from such Port or Place; but she shall not be detained, nor her cargo, if not Contraband, be confiscated, unless, after notice, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she may think proper: nor shall any Vessel or goods of either Party that may have entered into such Port or Place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such Place, be liable to confiscation, but shall be restored to the Owners or Proprietors thereof.

XXIII. The Ships of War of each of the Contracting Parties shall, at all times, be hospitably received in the Ports of the other, their Officers and Crews paying due respect to the Laws and Government of the Country. The Officers shall be treated with that respect which is due to the Commissions which they bear; and if any insult should be

offered to them by any of the Inhabitants, all Offenders in this respect shall be punished as disturbers of the peace and amity between the 2 Countries. And His Majesty consents, that in case an American Vessel should, by stress of weather, danger from Enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's Ports, into which such Vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the Place, be hospitably received, and be permitted to refit, and to purchase, at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the Place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk, or unload her cargo, unless the same shall be *bond fide* necessary to her being refitted; nor shall she be permitted to sell any part of her Cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the Government of the Place; nor shall she be obliged to pay any Duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

XXIV. It shall not be lawful for any Foreign Privateers (not being Subjects or Citizens of either of the said Parties) who have Commissions from any other Prince or State in enmity with either Nation, to arm their Ships in the Ports of either of the said Parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest Port of that Prince or State from whom they obtained their Commissions.

XXV. It shall be lawful for the Ships of War and Privateers, belonging to the said Parties respectively, to carry whithersoever they please the Ships and goods taken from their Enemies, without being obliged to pay any fee to the Officers of the Admiralty, or to any Judges whatever; nor shall the said Prizes, when they arrive at and enter the Ports of the said Parties, be detained or seized, neither shall the Searchers or other Officers of those Places visit such Prizes, (except for the purpose of preventing the carrying of any part of the Cargo thereof on shore, in any manner contrary to the established Laws of Revenue, Navigation or Commerce,) nor shall such Officers take cognizance of the validity of such Prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said Prizes to the Place mentioned in their Commissions or Patents, which the Commanders of the said Ships of War or Privateers shall be obliged to show. No shelter or refuge shall be given in their Ports to such as have made a Prize upon the Subjects or Citizens of either of the said Parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their

departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall, however, be construed to operate contrary to former and existing Public Treaties with other Sovereigns or States. But the 2 Parties agree, that while they continue in amity, neither of them will in future make any Treaty that shall be inconsistent with this or the preceding Article.

Neither of the said Parties shall permit the Ships or goods belonging to the Subjects or Citizens of the other to be taken within cannon shot of the Coast, nor in any of the Bays, Ports, or Rivers of their Territories, by Ships of War, or others, having Commission from any Prince, Republic, or State whatever. But in case it should so happen, the Party, whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending Party full and ample satisfaction for the Vessel or Vessels so taken, whether the same be Vessels of War or Merchant Vessels.

No. 4.—The Secretary of State to the President.

Department of State,

(Extract.)

Philadelphia, 15th July, 1796.

M. ADÉT asks whether the President has caused orders to be given to prevent the sale of Prizes conducted into the Ports of The United States by Vessels of the Republic, or Privateers armed under its authority. On this I have the honor to inform you, that the 24th Article of the British Treaty having explicitly forbidden the arming of Privateers, and the selling of their Prizes in the Ports of The United States, the Secretary of the Treasury prepared, as a matter of course, Circular Letters to the Collectors, to conform to the restrictions contained in that Article, as the Law of the Land. This was the more necessary, as formerly the Collectors had been instructed to admit to an entry and sale the Prizes brought into our Ports.

The Hon. George Washington.

TIMOTHY PICKERING.

No. 5.—Summary Exposition of the Complaints of the French Government against the Government of The United States,

Paris, 19th Ventose, Year 4, (9th March, 1796.)

(Translation.)

First Complaint.—The inexecution of Treaties.

1. THE Courts of Justice of The United States have taken, and continue daily to take, cognizance of Prizes, which our Privateers conduct into their Ports, notwithstanding the express Clause of the Treaty which prohibits it. Our Ministers have proposed different arrangements to put bounds to this usurpation. The Federal Government had itself proposed measures in this respect: the first propositions were not accepted, and the last measures have fallen into disuse. The disgusts, the delays, and the losses, which result to our Marine from

a like state of things, are palpable. They almost deprive the Republic of the advantage it ought to derive from this Article of the Treaty.

2. The admission of English Vessels of War into the Ports of The United States against the express stipulation of the XVIIth Article of the Treaty; that is to say, when they have made Prizes upon the Republic or its Citizens. The weakness with which the Federal Government yielded this point in the beginning, tended to increase the pretensions of Great Britain; so that at present the Ports of The United States have become a station for the Squadron of Admiral Murray, which, for 2 years past, has been stationed there to make excursions thence upon the American Commerce, and destroy our property. This division carries its audacity even farther by conducting its Prizes into those Ports.

3. The Consular Convention, which makes a part of our Treaty, is equally unexecuted in 2 of its most important Clauses. The first, which grants to our Consuls the right of judging, exclusively, all controversies which take place between French Citizens, has become illusory, from a defect in the Law which gives to our Consuls the means of executing their Judgments. The consequences of this defect tend to annihilate the prerogatives of our Consuls, and, by means thereof, to injure, essentially, our Merchants. The second gives to our Consuls the right of arresting our Marine Deserters. The inexecution of this part of the Convention affects, beyond all expression, our maritime service, whilst our Vessels are stationed in the American Ports. The Judges charged by the Law to deliver Mandates of Arrest have lately required the presentation of the original Register of the equipage, in despite of the Vth Article of the Treaty, which admits, in the Tribunals of the 2 Powers, Copies certified by the Consuls. Particular local considerations oppose, in a thousand circumstances, the presentation of the original Register; and, under these circumstances, the Sailors always make their escape.

4. The arrestation, in the Port of Philadelphia, in the month of August, 1795, of the Captain of the Corvette *Cassius*, for an act committed by him on the High Seas. This measure is contrary to the XIXth Article of the Treaty of Commerce, which stipulates, "That the Commandants of public and private Vessels shall not be detained in any manner." It violates, moreover, the right of Nations the most common, which puts the Officers of public Vessels under the safeguard of their Flag. The United States had sufficient proof of the respect which the Republic entertained for them, to have counted upon its justice on this occasion. The Captain has been imprisoned, though the Consul of the Republic supported the Action; and, with difficulty, he has been released. The Corvette, though regularly armed at the

Cape by the General Lavaud, has been arrested (as, it appears, she still is) under the pretext that, 8 months before she sailed from Philadelphia, she was suspected of having been armed in that Port.

Second Complaint.—The impunity of the outrage made to the Republic, in the person of its Minister, the Citizen Fauchet, by the English Vessel, *The Africa*, in concert with the Vice-Consul of that Nation.

The arrestation, in the waters of The United States, of the Packet Boat in which the Minister sailed; the search made in his trunks, with the avowed object of seizing his person and papers, merited an example. This insult was committed on the 1st of August, 1795, and after which this Vessel (*The Africa*) blocked up, the rest of that month, at Newport, the Frigate *Medusa* of the Republic; nor was that Vessel ordered to depart till after this Frigate had sailed, and which order was given for a new outrage committed against The United States, by a menacing Letter; and for a participation in which last insult, the Exequatur of the English Consul was withdrawn.

Third Complaint.—The Treaty concluded in November, 1794, between The United States and Great Britain. It would be easy to prove that The United States, in that Treaty, have sacrificed, *knowingly* and *evidently*, their connexion with the Republic, and the rights, the most essential and least contested, of Neutrality.

1. The United States have not only departed from the principles that were consecrated by the Armed Neutrality during the War of their Independence; but they have also given to England, to the injury of their first Allies, a mark the most striking of a *condescension* without limits, in abandoning the rule which the rights of Nations, their Treaties with all other Powers, and even the Treaties of England with most of the Maritime Powers, have given to Contraband. To sacrifice exclusively to this Power the objects which are necessary for the equipment and construction of Vessels—is not this to depart evidently from the principles of Neutrality?

2. But they have even gone further. They have consented to extend the denomination of Contraband even to provisions. Instead of restricting it, as all Treaties have done, to the case of an effective Blockade of a Port, as forming the only exception to the complete freedom of this Article, they have tacitly acknowledged the pretensions of England to extend the Blockade to our Colonies, and even to France, by the force of a Proclamation alone. This abandonment of the independence of their commerce is incompatible with their Neutrality, as Mr. Jefferson has acknowledged, by his Letter of the 7th September, to the Minister Plenipotentiary of The United States at London, upon the subject of the Order of the 8th June, 1793. After this confession; after, above all, the tyrannical Edicts of the King of Great Britain, whereby the commerce, as well as the national honor,

of The United States have suffered so much, there was reason to hope a different result from the Negotiation of Mr. Jay. It is evident, by the clause which limits the continuance of this desertion of Neutrality to the term of this War, that Mr. Jay did not hesitate to sacrifice our Colonies to Great Britain, during the continuance of these hostilities, by which their lot will be decided. It is submitted to Mr. Monroe to judge in what point these concessions accord, with the obligation by which The United States have contracted to defend our Colonial Possessions, and with the duties, not less sacred, which the great and inestimable benefits they derive from their commerce with those Islands, bind them to observe.

CH. DE LA CROIX.

*No. 6.—The Secretary of State to the American Plenipotentiaries at Paris.
Department of State, Philadelphia,*

GENTLEMEN,

15th July, 1797.

IT is known to you that the People of the United States of America entertained a warm and sincere affection for the People of France, ever since their arms were united in the War with Great Britain, which ended in the full and formal acknowledgment of the Independence of these States: it is known to you that this affection was ardent, when the French determined to reform their Government, and establish it on the basis of liberty; that liberty in which the People of The United States were born, and which, in the conclusion of the War above mentioned, was finally and firmly secured. It is known to you, that this affection rose to enthusiasm, when the War was kindled between France and the Powers of Europe, which were combined against her for the avowed purpose of restoring the Monarchy; and every where vows were heard for the success of the French arms. Yet, during this period, France expressed no wish that The United States should depart from their Neutrality; and while no duty required us to enter into the War, and our best interests urged us to remain at Peace, the Government determined to take a neutral station; which being taken, the duties of an impartial Neutrality became indispensably binding. Hence the Government early proclaimed to our Citizens the nature of those duties, and the consequences of their violation.

The Minister of France, M. Genet, who arrived about this time, by his public declarations, confirmed the idea that France did not desire us to quit the ground we had taken. His measures, however, were calculated to destroy our Neutrality, and draw us into the War.

The principles of the Proclamation of Neutrality, founded on the Law of Nations, which is the Law of the Land, were afterwards recognized by the National Legislature, and the observance of them enforced by specific penalties, in the Acts of Congress, passed the 5th of June 1794. By these Principles and Laws, the Acts of the Executive, and the Decisions of the Courts of The United States, were regulated.

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A Government thus fair and upright in its principles, and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure; but The United States have not been so fortunate. The Acts of their Government, in its various branches, though pure in principle and impartial in operation, and conformable to their indispensable rights of sovereignty, have been assigned as the cause of the offensive and injurious measures of the French Republic. For proofs of the former, all the acts of the Government may be vouched; while the aspersions so freely uttered by the French Ministers, the refusal to hear the Minister of The United States, specially charged to enter on amicable discussions on all the topics of complaint, the Decrees of the Executive Directory and of their Agents, the depredations on our Commerce, and the violences against the persons of our Citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the Government of the French Republic, and for all these wrongs you will seek redress.

In respect to the depredations on our Commerce, the principal objects will be, to agree on an equitable mode of examining and deciding the Claims of our Citizens, and the manner and periods of making them compensation. As to the first, the VIIth Article of the British, and the XXIst of the Spanish Treaty, present approved precedents to be adopted with France. The proposed mode of adjusting those Claims, by Commissioners appointed on each side, is so perfectly fair, we cannot imagine that it will be refused. But when the Claims are adjusted, if payment in specie cannot be obtained, it may be found necessary to agree, in behalf of our Citizens, that they shall accept public securities, payable with interest, at such periods as the state of the French Finances shall render practicable. These periods you will endeavor, as far as possible, to shorten.

Not only the recent depredations, under color of the Decrees of the Directory, of the 2d of July, 1796, and the 2d of March, 1797, or under the Decrees of their Agent, or the illegal Sentences of their Tribunals, but all prior ones, not already satisfactorily adjusted, should be put in this equitable train of settlement. To cancel many or all of the last mentioned Claims, might be the effect of the Decree of the Executive Directory of the 2d of March last, reviving the Decree of the 9th of May, 1793; but this, being an *ex post facto* regulation, as well as a violation of the Treaty between The United States and France, cannot be obligatory on the former. Indeed, the greater part, probably nearly all the captures and confiscations in question, have been committed in direct violation of that Treaty, or of the Law of Nations. But the injuries arising from the capture of Enemies property, in Vessels of The United States may not be very extensive, and if for such captured property the French Government will, agreeably to the Law of Nations, pay the freight and reasonable demurrage, we shall not, on this ac-

count, any farther contend. But of ship timber and naval stores taken and confiscated by the French, they ought to pay the full value, because our Citizens continued their traffic in those articles under the faith of the Treaty with France.

On these 2 points we ought to expect that the French Government will not refuse to do us justice: and the more, because it has not, at any period of the War, expressed its desire that the Commercial Treaty should in these respects be altered.

Besides the Claims of our Citizens for depredations on their property, there are many arising from express Contracts made with the French Government or its Agents, or founded on the seizure of their property in French Ports. Other Claims have arisen from the long detention of a multitude of our Vessels in the Ports of France. The wrong hereby done to our Citizens was acknowledged by the French Government, and in some, perhaps in most of the cases, small payments towards indemnifications have been made: the residue still remains to be claimed.

All these just demands of our Citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French Finances. But an exception must be made in respect to debts due to our Citizens by the Contracts of the French Government and its Agents, if they are comprehended in any stipulation; and an option reserved to them, jointly or individually, either to accept the means of payment which you shall stipulate, or to resort to the French Government, directly, for the fulfilment of its Contracts.

Although the reparation for losses sustained by the Citizens of The United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed Treaty. You are not, however, to renounce these Claims of our Citizens, nor to stipulate that they be assumed by The United States as a Loan to the French Government.

In respect to the alterations of the Commercial Treaty with France, in the 2 cases which have been principal subjects of complaint on her part, viz: Enemies' property in Neutral Ships, and the articles Contraband of War; although France can have no right to claim the annulling of stipulations, at the moment when by both Parties they were originally intended to operate, yet, if the French Government press for alterations, the President has no difficulty in substituting the principles of the Law of Nations, as stated in the XVIIth and XVIIIth Articles of our Commercial Treaty with Great Britain, to those of the XXIIIrd and XXIVth Articles of our Commercial Treaty with France; and, in respect to provisions, and other articles not usually deemed Contraband, you are to agree

only on a temporary compromise, like that in the XVIIIth Article of the British Treaty, and of the same duration. If however, in order to satisfy France *now she is at War*, we change the 2 important Articles before mentioned, then the XIVth Article of the French Treaty, which subjects the property of the Neutral Nation found on board Enemies' Ships to capture and condemnation, must, of course, be abolished.

We have witnessed so many erroneous constructions of the Treaty with France, even in its plainest parts, that it will be necessary to examine every Article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations. The kind of Documents necessary for the protection of the Neutral Vessels should be enumerated and minutely described; the cases in which a Sea-Letter should be required may be specified; the want of a Sea-Letter should not of itself be a cause of confiscation, where other reasonable proof of property is produced; and where such proof is furnished, the want of a Sea-Letter should go no further than to save the Captor from damages for detaining and bringing in the Neutral Vessel. The proportion of the Vessel's Crew which may be Foreigners should be agreed on. Perhaps it will be expedient to introduce divers other regulations, conformably to the Marine Laws of France. Whenever these are to operate on the Commerce of The United States, our safety requires that, as far as possible, they be fixed by Treaty. And it will be desirable to stipulate against any *ex post facto* Law or Regulation, under any pretence whatever.

Great Britain has often claimed a right, and practised upon it, to prohibit Neutral Nations carrying on a commerce with her Enemies which has not been allowed in time of Peace. On this head, it will be desirable to come to an explicit understanding with France; and, if possible, to obviate the claim by an express stipulation.

Such extensive depredations have been committed on the commerce of Neutrals, and especially of The United States, by the Citizens of France, under pretence that her Enemies (particularly Great Britain) have done the same things, that it will be desirable to have it explicitly stipulated that the conduct of an Enemy towards a Neutral Power shall not authorise or excuse the other Belligerent Power, in any departure from the Law of Nations or the stipulations of the Treaty: especially that the Vessels of the Neutral Nation shall never be captured or detained, or their property confiscated or injured, because bound to or from an Enemy's Port, except the case of a blockaded Port, the entering into which may be prevented according to the known rule of the Law of Nations. And it may be expedient to define a Blockaded Place or Port to be one actually invested by land or naval Forces, or both; and that no *Declaration* of a Blockade shall have any effect without such actual investment. And no commercial right whatever should

be abandoned which is secured to Neutral Powers by the European Law of Nations.

The foregoing Articles being those which the French Government has made the ostensible grounds of its principal complaints, they have naturally been first brought into view. But the proposed alterations and arrangements suggest the propriety of revising all our Treaties with France. In such revision, the first object that will attract your attention is the reciprocal guarantee, in the XIth Article of the Treaty of Alliance. This guarantee we are perfectly willing to renounce. The guarantee, by France, of the liberty, sovereignty, and independence of the United States, will add nothing to our security; while, on the contrary, our guarantee of the Possessions of France in America will perpetually expose us to the risk and expense of War, or to disputes and questions concerning our national faith.

When M. Genet was sent as the Minister of the French Republic to The United States, its situation was embarrassed, and the success of its measures problematical. In such circumstances it was natural that France should turn her eye to the mutual guarantee; and accordingly it was required, in M. Genet's Instructions, to be "an essential Clause in the new Treaty" which he was to propose; and on the ground "that it nearly concerned the peace and prosperity of the French Nation, that a people whose resources increase beyond all calculation, and whom nature had placed so near their rich Colonies, should become interested, by their own engagements, in the preservation of those Islands." But, at this time, France, powerful by her victories, and secure in her triumphs, may less regard the reciprocal guarantee with The United States, and be willing to relinquish it.

As a substitute for the reciprocal guarantee, may be proposed a mutual renunciation of the same Territories and Possessions that were subjects of the guarantee and renunciation in the VIth and XIth Articles of the Treaty of Alliance. Such a renunciation on our part would obviate the reason assigned in the Instruction to M. Genet before cited, *of future danger from the rapidly growing power of The United States*. But if France insists on the mutual guarantee, it will be necessary to aim at some modification of it. The existing engagement is of that kind which, by Writers on the Law of Nations, is called a general guarantee; of course the *casus foederis* can never occur except in a *defensive* War. The nature of this obligation is understood to be, that, when a War *really and truly defensive* exists, the engaging Nation is bound to furnish an *effectual and adequate defence*, in co-operation with the Power attacked: whence it follows that the Nation may be required, in some circumstances, to bring forward its whole force.

The nature and extent of the succors demandable not being ascertained, engagements of this kind are dangerous on account of their

uncertainty : there is always hazard of doing too much or too little, and of course of being involved in involuntary rupture.

Specific succors have the advantage of certainty, and are less liable to occasion War. On the other hand, a general guarantee allows a latitude for the exercise of judgment and discretion.

On the part of The United States, instead of Troops or Ships of War, it will be convenient to stipulate for a moderate sum of money or quantity of provisions, at the option of France : the provisions to be delivered at our own Ports, in any future *defensive* Wars. The sum of money, or its value in provisions, ought not to exceed 200,000 dollars a year, during any such Wars. The reciprocal stipulation on the part of France may be to furnish annually the like sum of money, or an equivalent in military stores and clothing for Troops, at the option of The United States, to be delivered in the Ports of France.

Particular caution, however, must be used in discussing this subject, not to admit any claims, on the ground of the guarantee, in relation to the existing War, as we do not allow that the *casus fœderis* applies to it. And if the War should continue after your arrival in France, and the question of the guarantee should not be mentioned on her part, you may yourselves be silent on the subject, if you deem it most prudent. It will be proper here to notice such Articles of the Treaty of Amity and Commerce between The United States and France as have been differently construed by the 2 Governments, or which it may be expedient to amend or explain.

Art. II. The assent of The United States, in their Treaty with Great Britain, to the doctrine of the Law of Nations respecting Enemies' Property in Neutral Ships, and ship timber and naval stores, and in some cases provisions, as Contraband of War, the French Government has chosen to consider as a voluntary *grant of favors*, in respect to commerce and navigation, to Great Britain, and that consequently the same favors have become common to France. This construction is so foreign from our ideas of the meaning and design of this Article, that it shows the necessity of reviewing all the Articles, and, however clear they may appear, of attempting to obviate future misconstructions, by declaratory explanations or a change of terms.

Art. V. France has repeatedly contended that the imposition of 50 per cent. per ton on French Vessels arriving in The United States, is contrary to the Vth Article of the Treaty. The arguments in support of this pretension are unknown ; but it is presumed to be unfounded.—The reciprocal right of laying “ Duties or Imposts, of what nature soever,” equal to those imposed on the most favored Nations, and without any other restrictions, seems to be clearly settled by the IIIrd and IVth Articles. The Vth Article appears to have been intended merely to define or qualify the rights of American Vessels in France. It is, however, desirable that the question be understood, and all doubt

concerning it removed. But the introduction of a principle of discrimination between the Vessels of different Foreign Nations, and in derogation of the powers of Congress to raise Revenue by uniform Duties on any objects whatever, cannot be hazarded. The naturalization of French Vessels will of course be considered as inadmissible.

Art. VIII. The stipulation of doing us good offices to secure Peace to The United States with the Barbary Powers, has never yet procured us any advantage. If, therefore, the French Government lays any stress on this stipulation, as authorizing a claim for some other engagement from us in favor of France, it may be abandoned ; and especially if its abrogation can be applied as a set-off against some existing French Claim.

Art. XIV. If the alterations already proposed are made in the XXIIIrd and XXIVth Articles, then the XIVth Article, as before observed, must be abolished.

Art. XVII. The construction put on this Article by the Government of The United States is conceived to be reasonable and just, and is therefore to be insisted on. The Tribunals of the respective Countries will consequently be justified in taking cognizance of all captures made within their respective jurisdictions, or by illegal Privateers ; and those of one Country will be deemed illegal which are fitted out in the Country of the other remaining neutral ; seeing that to permit such arming would violate the neutral duties of the latter.

It will be expedient to fix explicitly the reception to be given to *Public Ships of War* of all Nations. The French Ministers have demanded that the Public Ships of the Enemies of France, which at any time, and in any part of the World, had made prize of a French Vessel, should be excluded from the Ports of The United States, although they brought in no Prize with them. In opposition to this demand, we have contended that they were to be excluded only when they came in with French Prizes. And the kind of asylum to be afforded, in all other circumstances, is described in Mr. Jefferson's Letter to Mr. Hammond, dated the 9th of September, 1793, in the following words : " Thus, then, the *Public Ships of War* of both Nations (English and French) enjoy a perfect equality in our Ports ; 1st, in cases of urgent necessity ; 2nd, in cases of comfort or convenience ; and 3rd, in the time they choose to continue." And such shelter and accommodation are due to the Public Ships of all Nations, on the principle of hospitality among friendly Nations. It will also be expedient explicitly to declare, that the right of asylum stipulated for the armed Vessels of France and their Prizes, gives no right to make sale of those Prizes.

But when Prize Ships are so disabled as to be incapable of putting to sea again, until refitted, and when they are utterly disabled, some

provision is necessary relative to their Cargoes. Both cases occurred last year. The Government permitted, although with hesitation and caution, the Cargoes to be unloaded, one of the Vessels to be repaired, and part of the Prize goods sold, to pay for the repairs; and the Cargo of the Vessel that was found unfit ever to go to sea again, was allowed to be exported as *Prize Goods*, even in Neutral bottoms. The doubts on these occasions arose from the XXIVth Article of the British Treaty, forbidding the sale of the Prizes of Privateers, or the exchanging of the same in any manner whatever.

But as French Prizes were entitled to an asylum in our Ports, it was conceived to be a reasonable construction of it, to allow of such proceedings as those above mentioned, to prevent the total loss of Vessels and Cargoes. The XXVth Article of the British Treaty demands attention, as it is therein stipulated that no future Treaty shall be made that shall be inconsistent with that or the XXIVth Article. Another doubt arose, whether the British Treaty did not, in good faith, require the prohibition of the sale of Prizes made by the *National Ships* of France, as well as those made by her Privateers; especially, seeing that our Treaty with France gave her no right to sell any Prizes whatever: but, upon the whole, it was conceived that The United States having before allowed the sale of such Prizes, and the prohibition in the XXIVth Article of the Treaty being distinctly pointed against the sale of the Prizes of *Privateers*, it was thought proper to permit the former practice to continue, until the Executive should make and publish a prohibition of the sale of all Prizes, or that Congress should pass a prohibitory Law.

Art. XXII. If, in new modelling the Treaty with France, the total prohibition of the sale of Prizes in the Ports of the Party remaining Neutral should not be agreed on, at least the right of each Power to make at its pleasure such prohibition, whether they are Prizes of *National Ships* or *Privateers*, should be acknowledged; for the reason more than once suggested—to prevent a repetition of Claims upon unfounded constructions; such as, under the present Article, that a *prohibition* to an *Enemy* of either Party, is a *grant* to the *other* of the thing forbidden.

Art. XXIII and XXIV. These have been already considered, and the alterations proposed have been mentioned.

There have been so many unjust causes and pretences assigned for capturing and confiscating American Vessels, that it may perhaps be impossible to guard against a repetition of them in any Treaty which can be devised. To state the causes and pretences that have been already advanced by the Government of France, its Agents and Tribunals, as the grounds of the capture and condemnation of American Vessels and Cargoes, would doubtless give pain to any man of an

ingenuous mind, who should be employed on the part of France to negotiate another Treaty, or a modification of the Treaties which exist.

It is not desired, therefore, to go farther into detail on these matters, than shall be necessary to guard, by explicit stipulations, against future misconstructions, and the mischiefs that they will naturally produce.

Under pretence that certain Ports were surrendered to the English by the treachery of the French and Dutch Inhabitants, Victor Hugues and Lebas, the Special Agents of the Executive Directory at Guadeloupe, have declared that all Neutral Vessels bound to or from such Ports shall be good Prize.

Under the pretence that the British were taking all Neutral Vessels bound to or from French Ports, the French Agents at St. Domingo (Santhonax and others,) decreed that all *American Vessels* bound to or from English Ports should be captured; and they have since declared such captured Vessels to be good Prize. The French Consuls in Spain have, on the same ground, condemned a number of American Vessels, merely because they were destined to, or coming from, an English Port.

Under the pretence that the Sea-Letters, or Passports, prescribed by the Commercial Treaty for the mutual advantage of the Merchants and Navigators of the 2 Nations, to save their Vessels from detention and other vexations, when met with at sea, by presenting so clear a proof of the property, are indispensable Documents to be found on board, the French confiscate American Vessels destitute of them, even when they acknowledge the property to be American.

Because horses and their military furniture, when destined to an Enemy's Port, are, by the XXIVth Article of the Commercial Treaty, declared contraband, and as such, by themselves only liable to confiscation, Hugues and Lebas decreed that all *Neutral Vessels*, having horses or any other contraband goods on board, should be good Prize; and they accordingly condemned Vessels and Cargoes.

The ancient Ordinances of the French Monarchs required a variety of Papers to be on board Neutral Vessels, the want of any one of which is made a cause of condemnation, although the XXVth Article of the Commercial Treaty mentions what Certificates shall accompany the Merchant Vessels and Cargoes of each Party, and which, by every reasonable construction, ought to give him protection. It will, therefore, be advisable to guard against abuses by descending to particulars; to describe the Ship's Papers which shall be required, and to declare that the want of any other shall not be a cause for confiscation; to fix the mode of manning Vessels as to the Officers, and the proportion of the Crews who shall be Citizens; endeavoring to provide, in respect to American Vessels, that more than one-third may be Fo-

reigners. This provision will be important to the Southern States, which have but few Native Seamen.

The Marine Ordinances of France will show what regulations have been required to be observed by Allied, as well as Neutral Powers in general, to ascertain and secure the property of Neutrals. Some of these regulations may be highly proper to be adopted, while others may be inconvenient and burdensome. Your aim will be to render the Documents and formalities as few and as simple as will consist with a fair and regular commerce.

Art. XXV. and XXVII. These 2 Articles should be rendered conformable to each other. The XXVIIth says, that, after the exhibition of the *Passport*, the Vessel shall be allowed to pass without molestation or search, without giving her chase, or forcing her to quit her intended course. The XXVth requires that, besides the *Passport*, Vessels shall be furnished with certain *Certificates*, which of course must also be exhibited. It will be expedient to add, that, if, in the face of such evidence, the armed Vessel will carry the other into Port, and the Papers are found conformable to Treaty, the Captors shall be condemned in all the charges, damages, and interest thereof, which they shall have caused. A provision of this nature is made in the XIth Article of our Treaty with the United Netherlands.

Art. XXVIII. The prohibited goods here mentioned have no relation to Contraband, but merely to such as *by the Laws of the Country are forbidden to be exported*. Yet in the case of exporting horses from Virginia, which no Law prohibited; in the Winter of 1796, this Article was applied by the French Minister to horses which, by the French Treaty, are Contraband of War. And a Letter from the Minister to Victor Hugues and Lebas, informing them that the American Government refused to prevent such export of horses by the British, is made one ground for their Decree above-mentioned.

Art. XXX. The Vessels of The United States ought to be admitted into the Ports of France, in the same manner as the Vessels of France are admitted into the Ports of The United States. But such a stipulation ought not to authorize the admission of Vessels of either Party into the Ports of the other, into which the admission of all Foreign Vessels shall be forbidden by the Laws of France and of The United States respectively. With this restriction, the principles of the XIVth Article of the Treaty with Great Britain afford a liberal and unexceptionable precedent. A restriction like that here referred to, will be found in the first Paragraph of the IIIrd Article of the British Treaty.

The commerce to the French Colonies in the East and West Indies will doubtless be more or less restricted, according to the usage of other European Nations. Yet, on account of the disarranged condition of the French navigation, probably a larger latitude of trade

with their Colonies will be readily permitted for a term of years : and perhaps the mutual advantages thence resulting will be found so great as to induce afterwards a prolongation of that term, to which the course or habit of business may contribute.

While between The United States and France there shall subsist a perfect reciprocity in respect to commerce, we must endeavor to extend our trade to her Colonies to as many articles as possible. Of these, the most important are, provisions of all kinds, as beef, pork, flour, butter, cheese, fish, grain, pulse, live stock, and every other article serving for food, which is the produce of the Country, horses, mules, timber, planks, and wood of all kinds, cabinet ware, and other manufactures of The United States ; and to obtain, in return, all the articles of the produce of those Colonies, without exception, at least to the value of the Cargoes carried to those Colonies.

There have been different constructions of the Consular Convention. The French have contended for the execution of their Consular Decisions by the Marshal or other Officer of The United States ; and their Minister of Justice has formally stated, in a Report to the Minister of Foreign Affairs, that the Judicial Sentences of the American Consuls in France will be executed by certain Officers of Justice in that Country. The legal opinion of the Law Officers of The United States, which the Government has adopted, opposes such a construction. The French have also contended that Deserters from French Vessels ought to be apprehended by the Judicial Officers of The United States, upon other evidence than the original Shipping Paper, or *Rôle d'Equipage* ; whereas the District Judges have insisted that the Consular Convention requires the original *Rôle* to be produced.

This Claim was lately revived by the Consul-General of the French Republic. The Correspondence on this occasion will be joined to the other Documents which accompany these Instructions.

The United States cannot consent to the erecting of Foreign Tribunals within their jurisdiction. We consider the judicial Authority of Consuls, as described in the Consular Conventions, to be voluntary, not compulsory, in the Country where they reside ; and that their Decisions, if not obeyed by the Parties respectively, must be enforced by the Laws of their proper Country ; and such a provision you will see has been made in France, where a penalty of 1,400 livres is imposed on the Citizens who refuse obedience to a Consular Decision in a Foreign State.

The Consular Convention will expire in about 4 years ; and if any great difficulties arise in settling the terms of a new one, that which exists must take its course ; but if the French Government should be silent on the subject of the Consular Convention, silence may be observed on your part.

The Ports of The United States being frequented by the Vessels of different Belligerent Powers, it became necessary to regulate the times of their sailing. The President, therefore, adopted what was understood to be the received rule in Europe; and ordered, that, after the sailing of a Vessel of one of the Belligerent Powers, 24 hours should elapse before an armed Vessel of the Enemy of the former should set sail. This rule has not been duly respected by the armed Vessels of France and Great Britain.

As the tranquillity of The United States requires that no hostile movements be commenced within their jurisdiction, and the interests of commerce demand an entire freedom to the departure of Vessels from their Ports, it may be expedient expressly to recognize the above mentioned rule.

It will also be expedient to agree on the extent of territorial jurisdiction on the Sea Coast; and in what situations Bays and Sounds may be said to be land-locked, and within the jurisdiction of the Sovereign of the adjacent Country.

On the supposition that a Treaty will be negotiated to alter and amend the Treaties which now exist between France and The United States, the following leading principles, to govern the Negotiation, are subjoined.

1. Conscious integrity authorizes the Government to insist that no blame or censure be directly or indirectly imputed to The United States. But, on the other hand, however exceptionable, in the view of our own Government, and in the eyes of an impartial World, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions: and we do not wish to wound her feelings, or to excite resentment. It will, therefore, be best to adopt on this point the principle of the British Treaty, and "terminate our differences in such manner as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding."

2. That no aid be stipulated in favor of France during the present War.

3. That no engagement be made inconsistent with the obligations of any prior Treaty.

4. That no restraint on our lawful commerce with any other Nation be admitted.

5. That no stipulation be made, under color of which Tribunals can be established within our jurisdiction, or personal privileges claimed by French Citizens, incompatible with the complete Sovereignty and Independence of The United States, in matters of policy, commerce, and Government.

It will be expedient to limit the duration of the Treaty to a term of from 10 to 20 years. Such changes in the circumstances of the 2

Parties are likely to happen within either of those periods as to give one or both good reason to desire a change in the conditions of the Treaty. From this limitation may be excepted such articles as are declaratory of a state of Peace, or as intended to regulate the conduct of the 2 Nations at the commencement of or during a state of War: or which are founded in morality and justice, and are in their nature of perpetual obligation. Of this kind may be considered the Xth Article of the Treaty with Great Britain, which, therefore, may very properly be introduced into the Treaty with France.

Finally, the great object of the Government being to do justice to France and her Citizens, if in any thing we have injured them; to obtain justice for the multiplied injuries they have committed against us; and to preserve peace; your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change of men and measures in France as will authorize, perhaps render politic, the use of strong language, in describing the treatment we have received. On the other hand, the French Government may be determined to frustrate the Negotiation, and throw the odium on this Country; in which case, any thing like warmth and harshness would be made the pretext. If things remain in their present situation, the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment with mildness of language, and be calculated to impress an idea of inflexible perseverance, rather than of distrust or confidence.

With these Instructions you will receive the following Documents:

1. The Printed State Papers, containing the Correspondence between the Secretary of State and the French Minister, M. Genet.
2. The Letter dated January the 16th, 1797, from the Secretary of State to General Pinckney, and the Documents therein referred to, in which all the known complaints of the French Government, since the recall of M. Genet, are exhibited and discussed.
3. A Report from the Secretary of State to the House of Representatives, dated the 27th of February, 1797, exhibiting the state of American Claims, which had been presented to the French Government, (but few of which had been satisfied,) together with some further information relative to the depredations, by the Officers and People of that Nation, on the commerce of The United States.
4. A Report made by the Secretary of State to the President of The United States, on the 21st of June, 1797, and by him laid before Congress on the 22d.
5. Certain original Depositions, Protests, and other Papers, relative to the French spoliations on the commerce, and personal insults and injuries to the Citizens, of The United States.
6. The Documents laid before the House of Representatives the 17th of May, 1797, relative to General Pinckney's Mission to Paris,

and comprehending some Papers relative to the capture and condemnation of American Vessels by the French.

7. The Correspondence with the French Consul-General Letombe, relative to the Consular Convention.

TIMOTHY PICKERING.

Messrs. Pinckney, Marshall and Gerry.

No. 7.—*Mr. Marshall to Mr. Lee, Attorney-General, (U. S.)*
(Extracts.) *Paris, 12th October, 1797.*

SOME of the Owners of Privateers have been in Paris since our arrival, and I think it not improbable that their object has been to exert their influence, which, unfortunately, is very considerable, to prevent any accommodation which may rescue from them the specie they have not yet received. I greatly fear they will be successful. It is said that Merlin, when Minister of Justice, received 4,000 Louis from the Owners of Privateers, for the direction concerning the *Rôle d'Equipage*; and it is said publicly by them that money influences the Tribunals. However this may be, I am entirely persuaded that the Courts, even in the last resort, are political, and will carry into effect the will of the Directory, without any respect to its legality. This is ensured on by the nice appointment made since the last Revolution. The Members of the Tribunals, who judge in the first instance, are, generally speaking, themselves the Captors.

It is notorious that a greater number of Privateers are now fitting out than have been employed in any former period of the War, and the Government is consigning to the Merchants the National Ships of War, for the purpose of cruising.

Mr. Lee.

JOHN MARSHALL.

No. 8.—*The American Plenipotentiaries to the Secretary of State,*
(Extracts.) *Paris, 22nd October, 1797.*

THE subject of the *Rôle d'Equipage* was also mentioned; and we asked what assurance we could have, if France insisted on the right of adding to the Stipulations of our Treaty, or of altering them by municipal regulations, that any future Treaty we could make should be observed. M. Bellamy said, that he did not assert the principle of changing Treaties by municipal regulations, but that the Directory considered its regulation concerning the *Rôle d'Equipage* as comporting with the Treaty. We observed to him, that none of our Vessels had what the French termed a *Rôle d'Equipage*, and that, if we were to surrender all the property which had been taken from our Citizens in cases where their Vessels were not furnished with such a *Rôle*, the Government would be responsible to its Citizens for the property so

surrendered; since it would be impossible to undertake to assert that there was any plausibility in the allegation that our Treaty required a *Rôle d'Equipage*.

Since our arrival at Paris, the Tribunal of Cassation has rejected Captain Scott's Petition, complaining of the condemnation of his Vessel by the Civil Tribunal for the want of a *Rôle d'Equipage*. M. Duclos, the Advocate employed in behalf of the Owners of the American Vessels, who have appealed, in the last resort, to the Tribunal of Cassation, informs that, notwithstanding all the arguments he made use of, to the Reporter and Commissary of the Executive Directory, to put off the hearing of the *Rosanna*, as a diplomatic Case, till the issue of our Negotiations is known, that Case is set down for hearing, and will come on the 29th or 30th instant.

The same Advocate also says, that it is obvious that the Tribunal have received instructions from the Officers of the Government to hasten their Decisions, and that it was hardly worth while to plead, for all our petitions in Cassation would be rejected. Our Advocates, however, decline giving their sentiments on this subject in writing, under an apprehension of committing themselves.

CHARLES PINCKNEY.

JOHN MARSHALL.

ELBRIDGE GERRY.

The Hon. Timothy Pickering.

No. 9.—The American Plenipotentiaries to the Secretary of State.

(Enclosure 1.)—Exhibit A.

Paris, 8th November, 1797.

1st. THE American Envoys shall remain here for 6 months, in the same manner, and upon the same footing, with regard to etiquette, as did M. D'Arango, the Envoy of Portugal.

2d. There shall be named a Commission of 5 Members, agreeably to a form to be established, for the purpose of deciding upon the reclamations of the Americans, relative to the Prizes made on them by the French Privateers.

3d. The American Envoys will engage that their Government shall pay the indemnifications, or the amount of the sums already decreed to the American Creditors of the French Republic, and those which shall be adjudged to the Claimants by the Commissioners. This payment shall be made under the name of an advance to the French Republic, who will repay it in a time and manner to be agreed upon.

4th. One of the American Envoys shall return to America, to demand of his Government the necessary powers to purchase, for cash, the 32,000,000 of Dutch Rescriptions belonging to the French Republic, in case the Envoys should conclude a Treaty which shall be approved by the 2 Nations.

5th. In the interval, the Definitive Treaty shall proceed for the termination of all differences existing between the French Republic and The United States, so as that the Treaty may be concluded immediately on the return of the Deputy.

6th. The question of the Rôle d'Equipage shall remain suspended until the return of the Deputy; and the Commission shall not pronounce upon any reclamation, where this point shall be in question.

7th. During the 6 months granted for the going and returning of the Deputy, hostilities against the Americans shall be suspended, as well as the process for condemnation before the Tribunals; and the money of the prizes already condemned, in the hands of the Civil Officers of the Nation, shall remain there, without being delivered to the Privateersmen, until the return of the Deputy.

(Enclosure 2.)—Exhibit B.

THE Envoys Extraordinary and Ministers Plenipotentiary of The United States cannot avoid observing the very unusual situation in which they are placed, by the manner in which they are alone permitted to make Communications on the objects of their Mission: they are called upon to pledge their Country to a very great amount, to answer demands which appear to them as extraordinary as they were unexpected, without being permitted to discuss the reason, the justice, or the policy, on which those demands are founded; and not only without assurances that the rights of The United States will, in future, be respected, but without a Document to prove that those to whom they are required to open themselves without reserve, and at whose instance they are called on to sacrifice so much, are empowered, even by the Minister, to hold any communication with them; yet, such is the anxious and real solicitude of the Envoys to seize any occasion which may afford a hope, however distant, of coming to those explanations which they so much wish to make with this Republic, that they pass over the uncommon and informal modes which have been adopted, and will only consider the Propositions themselves.

1. The Ministers of The United States will permit no personal considerations to influence their Negotiations with the French Republic. Although they expected that the extraordinary means adopted by their Government, to reconcile itself to that of France, would have been received with some degree of attention, yet they are too solicitous to enter upon the important and interesting duty of their Mission to permit themselves to be restrained by forms of etiquette.

2. On this Article, it is believed, there can be no disagreement.

3. This Article, as explained, would oblige The United States to advance, not to their own Citizens, but to the Government of France,

sums equivalent to the depredations made by the Corsairs of the Republic on the American Commerce, and to the contracts made with their Citizens by France; and this advance, instead of benefiting the Citizens of The United States, would leave them precisely what they now are, the Creditors of the French Republic; the more extensive the depredations, and the more considerable the contracts uncompleted with, the more would the Government of France receive from The United States. Independent of these objections, the Ministers of The United States cannot engage to assume, in any form, the debts due from France to their Fellow-Citizens: they have no such power.

4. If the Negotiations be opened, and the propositions for a Loan, or any other propositions, exceeding the powers of the Ministers, be made, the Government of The United States will be consulted thereon with expedition.

5. This, or any other proposition, having for its object the Claims of the 2 Nations on each other, or an accommodation of differences, will be embraced with ardor by the Ministers of The United States.

6. It cannot escape notice that the question of the Rôle d'Equipage may involve in it every Vessel taken from The United States: the Ministers, however, consider it, and wish to take it up, as a subject of Negotiation.

7. On this Article, it is only to be observed, that the season of the year is such as probably to render a return within 6 months, of the Envoy who might sail to The United States, impracticable: provision should be made for such an event.

If the difficulties attending the propositions for a Loan, and a compensation for past injuries, be such as to require time for their removal, the Ministers of The United States propose; that the discussions on the relative situation of the 2 Countries may commence in the usual forms; that the relation to each other may be so regulated as to obviate future misunderstandings; and that the adjustment of the Claims of the Citizens of The United States, whose Vessels have been captured, may be made after a decision on the point first mentioned.

No diplomatic gratification can precede the Ratification of the Treaty.

No. 10.—The Secretary of State to the American Plenipotentiaries.

Department of State,

GENTLEMEN,

Philadelphia, 22nd October, 1799.

You have been witnesses of the enduring patience of The United States, under the unexampled aggressions and hostilities authorized and sanctioned by the French Republic against the Commerce and Citizens of The United States. And you are well informed of the measures adopted by our Government to put a stop to these evils, to obtain redress for the injured, and real peace and security to our [1817—18.]

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Country. And you know, that, instead of relief, instead of justice, instead of indemnity for past wrongs, our very moderate demands have been immediately followed by new aggressions and more extended depredations; while our Ministers, seeking redress and reconciliation, have been refused a reception, treated with indignities, and finally driven from its Territories.

This conduct of the French Republic would well have justified an immediate Declaration of War on the part of The United States; but, desirous of maintaining Peace, and still willing to leave open the door of reconciliation with France, The United States contented themselves with preparations for defence, and measures calculated to protect their Commerce.

The treatment experienced by the former Envoys of The United States to the French Republic, having determined the President not to send thither other Ministers, without direct and unequivocal assurances, previously signified by its Minister of Foreign Relations, that they would be received in character to an audience of the Directory, and that they should enjoy all the prerogatives attached to that character by the Law of Nations, and that a Minister or Ministers of equal powers should be appointed and commissioned to treat with them, the French Government, by M. Talleyrand, its Minister of Foreign Relations, has declared, *That it will receive the Envoys of The United States in the official character with which they are invested; that they shall enjoy all the prerogatives attached to it by the Law of Nations; and that one or more Ministers shall be duly authorized to treat with them.* This the President deems to be substantially the assurance which he required as the previous condition of the Envoys entering on their Mission. It now belongs to you, Gentlemen, to see that this assurance be verified. Your Country will not submit to any new indignity or neglect. It is expected, when you shall have assembled at Paris, and have given official notice of it to the Minister of Foreign Relations, that you will be received to an audience of the Executive Directory. That a Minister or Ministers, with powers equal to your own, will be appointed to treat with you; and that, within 20 days at farthest, after your arrival at Paris, your Negotiation will be commenced. If, however, your Passports to Paris should be unreasonably withheld; if an audience of the Directory should be denied or procrastinated; if the appointment of a Minister or Ministers, with equal powers, to treat with you, should be delayed; or if, when appointed, they postpone the intended Negotiation; you are to relinquish your Mission, demand your Passports, and leave France. And having once resolved to terminate the Mission, you are not to resume it, whatever fresh overtures or assurances may be tendered to you by the French Government.

One more limitation: the subjects of difference between The

United States and France have often been discussed, and are well understood, and therefore admit of a speedy decision. The Negotiation is expected to be concluded in such time that you may certainly embark for The United States by the 1st of next April. This is highly important, in order that on your return Congress may be found in Session, to take those measures which the result of your Mission shall require. If it can be earlier concluded, it will be still better.

If any of the periods above-mentioned should be prolonged, with your assent, it is expected that the circumstances will be stated for your justification.

1st. At the opening of the Negotiation, you will inform the French Ministers, that The United States expect from France, as an indispensable condition of the Treaty, a stipulation to make to the Citizens of The United States, full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their Vessels and other property, under color of Authority or Commissions from the French Republic or its Agents. And all captures and condemnations are deemed irregular or illegal, when contrary to the Law of Nations, generally received and acknowledged in Europe, and to the stipulations in the Treaty of Amity and Commerce, of the 6th of February, 1778, fairly and ingeniously interpreted, while that Treaty remained in force; especially when made and pronounced.

1. Because the Vessels lading, or any part thereof, consisted of provisions or merchandize coming from England or her Possessions.

2. Because the Vessels were not provided with the *Rôles d'Equipe* prescribed by the Laws of France; and which it has been pretended, were also required by Treaty.

3. Because Sea-letters or other Papers were wanting, or said to be wanting, when the property shall have been, or shall be, admitted or proved to be American. Such defect of Papers, though it might justify the Captors, and exempt them from damages, for bringing in such Vessels for examination, could not with reason be a ground of condemnation.

4. When the Owners, Masters, or Supercargoes shall have been refused a hearing, or placed in situations rendering their presence at the Trials impracticable.

5. When the Vessels or other property captured shall have been sold, or otherwise disposed of, without a regular Trial and Condemnation.

Captures and Condemnations for such causes, and under such circumstances, are manifestly irregular or illegal.

The French Government, if it has any serious wish to accommo-

date existing differences, can make no difficulty in admitting the general proposition, that for injuries arising from violated Laws and Engagements, reparation shall be made. In every Claim under this general stipulation, the question will occur,—has the Treaty or the Law of Nations been violated?

But such a general stipulation will not be sufficient. The 5 specific Propositions just stated are obviously proper rules of adjudication; but the previous admission of the first and second is vastly important, to remove from hazard the most interesting Claims of our Citizens. To capture Neutral Property because it was produced or manufactured in the Country of an Enemy to France, is so palpably unjust, that it seems improbable that even the Men who originated the Law, were they still in power, would persist in it, as of right: and it is scarcely possible for their Successors to hesitate on this point. To hesitate would be to doubt whether a Man has a right to occupy his own house, or to wear his own clothes, unless he had built the first or manufactured the last with his own hands.

The second proposition respecting the *Rôle d'Equipage*, as well as the first, should be insisted on. Until the Decree of the Directory of 2nd March, 1797, was passed, and we had felt its fatal effects, we had no idea of the meaning which the French applied to the phrase, *Rôle d'Equipage*. In the Consular Convention between The United States and France, Article IX, which relates to Deserters from Vessels, the Document is described in the French by the words “*Des Registres du Bâtiment ou Rôle d'Equipage*,” and in the English part of the Convention by the words “the Registers of the Vessels or *Ship's Roll*.” And this Paper was to be produced to the proper Judge to prove a Deserter to belong to the Vessel in question. The Law or Usage of each Nation was incontestably to direct what was proper for its own Vessels in this respect. If an American Master claimed from a Judge in France his Warrant to arrest a Deserter, he must have produced his “*Ship's Roll*,” or what in The United States is called his *Shipping Paper*, which is a Contract signed by all the Persons composing a Vessel's Crew.

The propriety and necessity of a *Ship's Roll* was, in the year 1790, sanctioned and enforced by an Act of Congress.

And without such a written Contract, the Master, besides being subjected to other disadvantages, could not claim his Men when they deserted. This *Ship's Roll*, every American Master, bound on a Foreign voyage, takes on board his Vessel; and unquestionably every American Vessel captured and condemned by the French for the want of a *Rôle d'Equipage* has nevertheless been possessed of the *Ship's Roll* just described; and it is the only *List of the Ship's Crew* which could ever have been contemplated by The United States as necessary for American Vessels. There never was, indeed, any in-

timation on the part of France, from 1778, when the Treaty of Amity and Commerce was made, until the passing of the Decree of the Directory in March, 1797, that a *Rôle d'Equipage*, other than the *Ship's Roll* or *Shipping Paper*, would be required. It was then suddenly demanded; and the Decree (like the Law of January, 1798, respecting articles of the produce or manufacture of Great Britain) was instantly enforced, and became a snare to the multitudes of American Vessels, which, for want of previous notice, would not have on board the Document in question; if their Government should permit them to receive a Document which they were under no obligation to produce. For it cannot, with any semblance of justice, be pretended, that the Vessels of one Nation are bound to furnish themselves with Papers, in Forms prescribed by the Laws of another. And if we resort to the Treaty of 1778, or to the Sea-letter or Passport annexed to it, on which Letter the Directory pretended to found their Decree concerning the "*Rôle d'Equipage*," we shall see that these words are not to be found in either. And although the Passport mentions "a List, signed and witnessed, containing the names, surnames, the places of birth and abode of the Crew of his [the Neutral Master's] Ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the Officers of the Marine," yet, instead of being obliged "to have the List on board," the Passport declares "that he shall enter it in the proper Office:" and all that the Treaty requires him to exhibit at sea is the Sea-letter, or Passport. In a word, whatever is said about the *Rôle d'Equipage*, in the French application of the phrase, has relation to the Laws and Usages of France. It was to be exhibited to the Officers of Marine; but The United States have not, nor ever had, like France, any such description of Officers, employed in the examination and clearing of Vessels and their Crews, prior to their going to sea: and the Directory, if they had wanted pretences for despoiling our Commerce, might as well have made the omission of appointing Marine Officers in our Ports, to whom, according to the letter of the Passport, the *Rôle d'Equipage* was to be exhibited, a cause of capture and condemnation, as the omitting to furnish them with *Rôles d'Equipage* in the French form. In preparing, in 1793, the Sea-letter for American Vessels, the Secretary of State, Mr. Jefferson, changed in divers places the *letter* of the Passport, substituting other words applicable to us, and for "Officers of the Marine," "Officers and Judges of the Marine," which words were descriptive of French Institutions, using only the phrase "proper Officers," in conformity with our own. In the same manner, the "Ship's Roll," or Shipping Paper, of The United States, if at all required, should have been respected by France, as her "*Rôle d'Equipage*" would have been respected by The United States. And after all, what

was the real object of the Sea-letter, (in which alone there is any reference to a *List of the Crew*,) and what was it substantially to express? The XXVth Article of the Treaty of 1778 informs us, "in case either of the Parties should be engaged in War, the Ships and Vessels belonging to the Subjects or People of the other Ally must be furnished with Sea-letters or Passports, expressing the name, property, and bulk of the Ship, as also the name and habitation of the Master or Commander of the said Ship, *that it may appear thereby that the Ship really and truly belongs to the Subjects of one of the Parties;*" and with this further view, "that all manner of dissensions and quarrels might be avoided and prevented." For, as was declared in the XXVIIth Article, when a Ship of the Party remaining neutral, met with by a Ship of the other Party, had shown her Sea-letter or Passport, she was to "be free and at liberty to pursue her voyage, so as it should not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course."

It also merits observation, that, according to the tenor of the Sea-letter or Passport, in every Port or Haven where he (the Neutral Master) should enter with his Ship, he is required to show—not a *Rôle d'Equipe*—but his *Passport*. Yet this Passport, made and intended by the Governments of France and The United States, in 1778, to facilitate and protect their Commerce, to exempt it from vexations, and to prevent dissensions and quarrels, has, by the Government of France, been converted into a fatal snare, an engine of mischief, producing quarrels, dissensions, vexations, and, to the Commerce of many American Citizens, absolute destruction.

2nd. If these Preliminaries should be satisfactorily arranged, then, for the purpose of examining and adjusting all the Claims of our Citizens, it will be necessary to provide for the appointment of a Board of Commissioners, similar to that described in the VIth and VIIth Articles of the Treaty of Amity and Commerce between The United States and Great Britain.

The Commissioners of the 2 Nations may first meet at Paris. In choosing the 5th Commissioner, they will have a right to propose a Frenchman or an American. But it might conduce to more satisfactory results, if the 5th Commissioner were a Foreign Civilian, eminent for his learning, talents, and integrity.

Three of the Commissioners may constitute a Board; provided that 1 named on each side, and the 5th Commissioner, be present. The 4 Commissioners, in the absence of the 5th, may also constitute a Board; and in each case, the decisions of a majority are to be valid. But when on any questions, the 4 Commissioners, in the absence of the 5th, shall be equally divided, such questions are to be re-examined and decided in the presence of the 5th Commissioner. Further, in the

absence of the 5th Commissioner, any 3 of the other Commissioners may constitute a Board, and their decisions be valid, in cases where they are unanimous.

The Salaries of the Commissioners, the expense attending the Commission, and the supplying of vacancies in it, may be regulated in the manner proposed in the VIIIth Article of our Treaty of Amity and Commerce with Great Britain.

The Commissioners should be appointed, and meet at Paris, within 6 months after the Ratifications of the Treaty by the respective Governments, and as much sooner as may be.

Claims may be presented to the Board during 2 years, commencing with the day on which the Commissioners shall first assemble to proceed to business; and in particular cases, in which it shall appear to them reasonable and just, they may extend the time of receiving Claims to any reasonable term after the expiration of the 2 years.

All sums which the Board may award to American Claimants, France should stipulate to pay in gold and silver, without any deduction, at such place or places, and at such time or times, as the Commissioners shall appoint. The Awards should comprehend a reasonable allowance of interest on the amount of the original losses and damages, or, instead of prompt payment, the whole may constitute a transferable capital, bearing interest until the Debt be discharged.

The Board should also take cognizance of the Claims, which may be presented to them by American Citizens, for merchandise or other property seized by the French in their own Ports or elsewhere, and not comprehended under the head of Captures; and for their Vessels arbitrarily and unreasonably detained in French Ports, and for the losses and damages thereby sustained, the Board should award equitable compensations, to be paid in the manner prescribed in the case of Captures.

The Claims of The United States, as distinguished from those of their Citizens, for injuries received from the French Republic or its Citizens, should be submitted to the same Board; and whatever sums they award, France should stipulate to pay, in the manner before mentioned in the case of Captures.

As the French Government have heretofore complained of infringements of the Treaty of Amity and Commerce by The United States or their Citizens, all Claims for injuries thereby occasioned to France or its Citizens are to be submitted to the same Board; and whatever damages they award will be allowed by The United States, and deducted from the sums awarded to be paid by France.

If, however, the French Government should desire to waive its *National* Claims, you may do the like on the part of The United States. Doubtless the Claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute, and because *National*

Claims may probably be less definite than those of *Individuals*, and, consequently, more difficult to adjust, *National* Claims may on both sides be relinquished.

All Claims for sums due to American Citizens by Contracts with the French Government or its Agents, which may be presented to the Board, France should stipulate to pay within the shortest periods possible to obtain, with interest at the rate or rates agreed on; or if no agreement about interest appears, then at the rate to be fixed by the Board, and from the times when the sums were respectively payable by contract. This also may be transferable Stock.

The questions about interest, and any other questions, which may arise out of the Claims founded on Contracts, not explicitly determined by the Treaty, may be left to the decision of the Board of Commissioners.

3rd. If the preceding Claims shall be duly attended to, and adequate arrangements made for adjusting and satisfying them, you will then turn your thoughts to the regulation of navigation and commerce, and to some other points interesting to the 2 Nations.

4th. It may be stipulated that there shall be a reciprocal and entirely perfect liberty of commerce and navigation between France and The United States, and their Territories and Dominions, in every part of the World; but without admitting the Vessels of either Country into the Rivers of the other, beyond the highest Ports of entry from the Sea.

With the usual policy of European Nations, France may object to the free admission of American Vessels into the Ports of her Colonies; but the singular injuries our commerce has sustained from France during the present War, which no payments to be made by her under the preceding Stipulations can ever fully compensate, plead for an entire liberty of trade with her Colonies; at least during the term of the proposed Treaty, and until the stipulated compensations shall actually have been made.

Another reason will naturally operate in favor of this Claim; the inability of France immediately to furnish the requisite navigation and supplies for the commerce of her distant Possessions.

But if France will not allow us a trade with her Colonies on the terms which may be agreed in respect to the Parent State, we should be silent on the subject. The commerce of all our Territories will be open to France: that of all her Dominions should be alike open to us. At any rate, it appears inexpedient for The United States to countenance injurious distinctions respecting Colonial Commerce, to obtain a share in it by agreeing to allow a price for it, in the payment of extra Duties. Neither ought we to stipulate any thing like what is contained in the last Clause of the IIIrd Article of our Treaty with the United Netherlands. Such an engagement would be a species of

guarantee of the Colony system. It is sufficient for The United States to treat Foreign Nations with justice and friendship.

5th. It may be stipulated that no other or higher Duties shall be paid by the Ships or Merchandise of one Party in the Ports of the other, than such as are or shall be payable by the like Vessels or Merchandise of all other Nations : that no other or higher Duties shall be imposed in one Country on the importation of any articles which are the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles, being of the growth, produce, or manufacture of any other Foreign Country : and that no prohibition shall be imposed on the exportation or importation of any articles from or to the Territories of the 2 Parties respectively, which shall not equally extend to all other Nations.

And for the information of their respective Fellow-Citizens, and to prevent abuses, it may be stipulated that the Consuls of each Nation shall be officially furnished in the other with Tariffs of all Imposts, Customs, Duties, and Charges ; by which Tariffs the demands of the Officers of each Nation may be respectively limited.

6th. The freedom of navigation and commerce here proposed will require the admission of the Citizens of the 2 Countries, respectively, into the Dominions of the other, with liberty to reside there, to hire and possess houses and warehouses for the purposes of their commerce, and complete protection and security for the Merchants and Traders on each side, with their property, whether in going to, residing in, or returning from, the Country of the other. Nor should they be liable to any Tax on their Persons or Property, to which the Natives are not equally subject.

They should be at liberty to manage their own affairs, without being obliged to employ any Factor, Broker, or Interpreter, or any Persons to load or unload their Vessels : with a right, however, to employ any or all of them, as well as Advocates and Attorneys, at their pleasure.

7th. The Merchants and others of one Nation, residing in the other, should have liberty to dispose of their property by testament or otherwise, including real estates already acquired ; and if dying intestate, their heirs should enjoy the right of succession. Provided, that, if the Laws of either Country should at the time be incompatible with such transfer or inheritance of real estates by *Aliens*, they may be sold, or otherwise disposed of, to Citizens of the 2 Countries respectively. The Citizens of The United States should not, *in respect to their property*, be considered as *Aubains* in France ; and consequently should be exempted from the *Droit d'aubaine*, or other similar duty.

8th. The mutual residence of Citizens of the 2 Nations in the Countries of each other necessarily requires the free exercise of Religion, at least in their own houses and in their own way ; and permission to bury the Dead in convenient places.

9th. If Debtors flee from one Country to the other, the Creditors should be allowed to pursue them, and have the benefit of the Laws of the Country to which they flee, in the same manner as if the Debts had been there contracted.

10th. Neither the Debts due from Individuals of the one Nation to the Individuals of the other, nor shares nor moneys which they may have in the Public Funds, or in the Public or Private Banks, should ever, in any event of War or national differences, be sequestered or confiscated.

11th. The Ships of the Citizens of the respective Countries coming upon any Coasts belonging to either, but not willing to enter into Port; or being entered into Port and not willing to unload their Cargoes, or break bulk: they should be treated according to the general rules prescribed, or to be prescribed, relative to the object in question.*

12th. Neither Party should permit the Ships or Goods belonging to the Citizens of the other to be taken within cannon-shot of the Coast, nor elsewhere within their jurisdiction, by Ships of War or others having Commission from any Prince, Republic, or State, whatever. But if such capture or other injury should happen, the Party whose territorial rights are thus violated should use his utmost endeavors to obtain from the offending Party full and ample satisfaction for the capture or other injury so committed. The just freedom of commerce, and the interest and dignity of the Neutral Nation, demand the protection of all Vessels entering its Ports, not only from being taken, but from being pursued, within its jurisdiction, or immediately after their departure from its Ports: therefore, their Enemy, finding an asylum in those Ports, should not be permitted to leave the same until the lapse of 24 hours after such departure.

13th. No asylum should be given to Pirates: Vessels and Property rescued from their hands should be restored to the proper Owners: the Pirates, and any who conceal or assist them, should be brought to condign punishment: all with the precautions customary in such cases.

14th. The Ships of War and other Public Vessels of each Party should, at all times, be hospitably received in the Ports of the other; their Officers and Crews paying due respect to the Laws and Government of the Country.

15th. In case the Citizens of either Party, with their private Shipping, armed or unarmed, be forced, through stress of weather, pursuit of Pirates or Enemies, or any other urgent necessity, to seek for shelter in the Ports of the other, they should be received and treated with humanity, and enjoy all friendly protection and assistance.

16th. In the case of Vessels wrecked, foundered, or otherwise damaged, they should receive in each Country the same protection and

* See Section 60, New Collection Law.

assistance as if they belonged to the Inhabitants of the Country on whose Coasts the misfortunes should happen.

17th. Each Party may appoint Consuls for the protection of Trade, to reside in the Dominions and Territories of the other, including Colonies as well as the Mother Country: for wherever Trade is permitted, there the assistance and protection of Consuls is necessary. If a Consul be sent to a Colony, his provisional admission by the Colonial Government might suffice, until the pleasure of the National Government should be known.

The Consuls may enjoy the rights and liberties which belong to them by the Law of Nations.

18th. Deserters from public and private Vessels should be delivered up, and the Laws of each Country make suitable provision for that purpose. The Merchants and Commanders of Vessels, public and private, of one Nation, in the Country of the other, may engage, and receive on board, Seamen or others, Natives or Inhabitants of the Country to which the Vessels belong: Provided, that, either on one side or the other, they may not take into their service such of their Countrymen (not Deserters) who have already engaged in the service of the other Party, whether in War or Trade, and whether they meet them by land or sea; at least, if the Captains or Masters under whose command such Persons may be found, will not voluntarily discharge them from their service. Not only the original Enlistment, Shipping Paper, or Role d'Equipage, but a Copy, duly certified by a Judge of the Country, may be admitted in proof of desertion.

19th. It may be agreed, that, on mutual requisitions by the respective Ministers or Consuls of the 2 Nations, Persons charged with murder or forgery, committed within the territorial jurisdiction of one, and fleeing to the other, shall be delivered up.

20th. It may be agreed that neither Party shall intermeddle in the common Fisheries on the Coasts of the other Party, nor disturb the other Party in the exercise of the rights which either now holds, or may acquire, of Fishing on the Banks of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the American Coast northward of the United States of America; but that the Whale and Seal Fisheries may be freely exercised in every quarter of the World.

21st. The XVIIth and XXIInd Articles of the Commercial Treaty between The United States and France, of February 6, 1778, have been the source of much altercation between the 2 Nations during the present War. The dissolution of that and our other Treaties with France leaves us at liberty with respect to future arrangements, with the exception of the now preferable right secured to Great Britain by the XXVth Article of the Treaty of Amity and Commerce.

In that Article we promise mutually, that, while we continue in amity, neither Party will in future make any Treaty that shall be in-

consistent with that Article or the one preceding it. We cannot therefore renew with France the XVIIth and XXIInd Articles of the Treaty of 1778. Her aggressions, which occasioned the dissolution of that Treaty, have deprived her of the priority of rights and advantages therein stipulated. Indeed, if the public faith, pledged in the British Treaty, did not forbid a renewal of those engagements with France, sound policy should prevent it. We should preserve to ourselves the right of allowing every Commercial Nation in amity with us the like shelter, supplies, and assistance, under like circumstances: and, by excluding all equally when engaged in War, (saving to each the rights of humanity and hospitality,) we may keep the calamities of War at a distance. The engagements with Great Britain may cease in 2 years after the close of the present War: but, under the Stipulations contained in the XXVIIIth and last Articles of the British Treaty, the engagements in question may be continued to a longer period.

If, therefore, you should find any cogent reasons for renewing in substance the XVIIth and XXIInd Articles of the Commercial Treaty with France of 1778, it must be with the explicit declaration, that, neither at the present nor any future time, shall the said Articles be construed to derogate from the whole or any part of the XXIVth and XXVth Articles of the Treaty of Amity, Commerce, and Navigation, between The United States and His Britannic Majesty, concluded at London on the 19th of November, 1794.

22nd. The present War has exhibited such inconveniences and mischiefs in our own Country, and such monstrous abuses elsewhere, by Trials, or pretended Trials, and sales of Prizes, by French Consuls and Agents, that, in order to prevent any claim to the exercise of such Powers, it will be expedient expressly to declare that they shall not be exercised in The United States, whether the Prizes are made by public Ships or Privateers. There will of course be a reciprocal denial of the exercise of the like Powers by American Consuls and Agents in the Dominions of France. Prizes ought to be conducted to the Country to which the Captors belong, unless the 2 Parties are engaged in hostilities against a common Enemy. But, in this case, the established Courts for Prize causes, in the Country to which the Prizes are conducted, should alone take cognizance of them.

23rd. The duties of an impartial Neutrality, when either Party shall remain Neutral, will forbid any permission to the Enemies of the other to arm originally, or to increase a former armament, in the Ports of the Neutral Party.

24th. When one of the Parties shall be engaged in War, the Vessels of the other may be captured on just suspicion of having on board property belonging to the Enemy of the former, or of carrying to the Enemy any of the Articles which are Contraband of War. With these exceptions, the trade of each Party to the Ports of the Enemies

of the other should be perfectly free, unless to the Ports actually blockaded. And, if such Enemies forbear to capture Enemy's Property in Neutral Vessels, it may be agreed that in such case the Contracting Parties will forbear to capture the Vessels of each other for that cause. The Law of France of the 18th of January, 1798, respecting produce and manufactures coming from England or her Possessions, is incompatible with the stipulation here proposed, and, if not repealed, Negotiations with you must be deemed illusory.

But, that captures on light suspicions may be avoided, and the vexations and injuries thence arising prevented, the usual stipulations for Sea-letters or Passports, and Certificates or Manifests of the Cargoes of Vessels, may be introduced. But neither Party should be allowed to prescribe the form, or to require the exhibition of any Document (the Sea-letter and Certificates before mentioned excepted) not required by the Laws or Usages of the Party to whose Citizens the Vessels and their Cargoes belong. The form of the Sea-letter should be simple, like that now used by The United States in that part of the Passport which is printed in the English language.

When the quality of the Ship, Goods, and Master shall sufficiently appear from the Sea-letter and Certificates, the Commanders of armed Vessels should exact no further proof. And if any Merchant Ship be not provided with a Sea-letter or Certificates, the case should be examined by a proper Judge; and if it be found from other proofs and Documents that the Vessel truly belongs to the Citizens of one of the Parties, it should not be liable to confiscation, but be released with its Cargo; with the exception of Enemy's property and contraband goods, which may be found on board. The change of the Master not to invalidate the Passport.

25th. The following Articles, beyond the quantities proper for the Ship's use, may be deemed Contraband of War: cannon, mortars, their carriages and beds, muskets, petards, match, ball, bombs, grenades, carcasses, cartridge boxes, gunpowder, salt-petre, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, and generally all kinds of arms and warlike instruments fit for the use of troops; and all these articles may be declared to be just objects of confiscation, whenever they are attempted to be carried to an Enemy; but the Vessel in which they are laden and the residue of the cargo to be free.

France will probably not desire to extend further the use of Contraband; and especially not to comprehend timber for ship building, naval stores, and other articles for the equipment of Ships. If, however, she urges an extension, then timber for ship building, tar, pitch, turpentine, rosin, copper in sheets, sails and sail cloth, hemp and cordage, may be added; and generally whatever may serve *directly* and *principally* for the equipment of Vessels. But iron in pigs and

bars, timber for house frames, pine or fir planks and boards, staves, nails suitable for house building, coarse linens, and generally all other articles, which, though occasionally, or from necessity, applicable to the equipment of Ships, are not *directly* and *principally* prepared for that purpose.

It is also probable that France will not desire to consider provisions as Contraband, unless going to a Place actually blockaded; and we ought strenuously to resist any other construction: but if what is said on this subject in the XVIIIth Article of our Commercial Treaty with Great Britain should induce France seriously and with earnestness to demand the like stipulation, it may be conceded; yet a modification may first be attempted, by proposing not only that if provisions be captured, they shall be promptly paid for, with a reasonable mercantile profit, freight, and demurrage, but that they shall not be captured at all, unless going to a Place actually blockaded, or to supply an invading Army or hostile Fleet, though in situations not actually forming an Investment or Blockade.

26th. If, on the exhibition of the Certificates or Manifests of a Ship's Cargo, the Property of an Enemy or Contraband goods be discovered, and the Ship be consequently captured and carried into Port, provision must be made to prevent embezzlement, waste, and destruction.

But there is a very common regulation to prevent disorder and injury in stopping and examining Neutral Ships, which certainly is disregarded in practice, viz: That the Examining Ship shall not approach the Neutral within cannon shot, while her Boat is sent to make the examination. It is a rule which would produce both inconvenience and delay, and in bad weather be impracticable, or very dangerous. The provision that only 2 or 3 men shall enter the Neutral Vessel is very proper: though, like many other salutary regulations, is not enforced by penalties on offenders. But, instead of visiting the Neutral, the other often requires the Neutral to send an Officer with his Papers. This is an abuse; and many instances have occurred in the present War, in which it has been practised with great inhumanity; and most when it was most inhuman—in tempestuous weather, when a Boat could not be put out, but with imminent danger of the lives of the men. It will therefore be very well to stipulate that the Neutral Party shall in no case be required to go on board the examining Vessel. And if this should in any cases prevent an examination, it can afford no just ground of complaint: for, *prima facie*, better is the right of the Neutral than of the Belligerent Vessel. Besides, the stipulation would be reciprocal.

27th. The usual stipulations in Treaties, designed to prevent abuses by Armed Vessels, have ever been found inadequate: perhaps they do not admit of a complete remedy. If, however, any Nation

does not provide penalties and securities whereby to restrain offenders and indemnify the injured, the Nation itself ought to be responsible: doubtless the Nation should be immediately responsible for all abuses committed by National Ships.

One abuse is the destruction or concealment of Papers of Captured Vessels. A remedy for this seems practicable: the Captors may be obliged to give a receipt for them upon a List of the Papers; and they may also be sealed up with the seals of the Captors and Captured.

The Master and Supercargo, being entrusted by the Owners with the Vessel and Cargo, ought never to be separated from them; they may prevent waste and embezzlement; and, on the arrival of the Vessel, will be ready for examination and also to claim the property in behalf of the Owners, and contest, as of right they may do, the legality of the capture.

Bribery, or an attempt to bribe any one of the Ship's Company or Passengers to depose to any fact tending to the condemnation of Vessel or Cargo, or putting any of them to torture for that or any other purpose, should absolutely procure her acquittal.

But a still greater evil remains, and more difficult to remedy—the improper institution of Prize Courts. Probably no provision can be explicitly made, other than that each Party will take effectual care that the Judgments and Decrees in Prize Causes shall be given conformably to the rules of justice and equity, and the stipulations of the Treaty, and without any unnecessary delay, by Judges above all suspicion, and who have no manner of interest in the Cause in dispute.

It would be some check on the Judges in Prize Causes, if their reasons for condemning were required to be stated with the other proceedings in writing: and Copies of the whole should, if demanded, be delivered to the Commander or Agent of the Captured Vessel, without the smallest delay, or at farthest within 15 days after Sentence pronounced, and sooner if practicable, and at the expense of the Captors, (in case of condemnation,) not of the Captured, who are otherwise sufficiently distressed.

Prizes, as already observed, should be conducted into the Ports of the Party at War, or of an Associate in the War, and there adjudicated by the regular Tribunals. The French have conducted their Prizes into Neutral as well as Belligerent Ports; and when there was no Consul to try and condemn, leaving there the Prizes, they have carried the Papers to a distant place to find a French Tribunal; and there, in the absence of the Captured Party, procured Sentences of condemnation, and sold the Prizes. The same mode of obtaining condemnations has been uniformly practised when they carried their

Prizes into the Ports of an Associate in the present War. But without waiting for the result of this farcical Trial, it has been common to unlade and sell the cargoes as soon as they reached a Port.

An unreasonable burthen is imposed on the Captured in requiring them, if they think proper to appeal to a higher Tribunal, to find sureties in large penalties, which, as Strangers, it is impossible to procure. This evil demands redress.

The Crews are often stripped of their property, and even of their clothes, and turned ashore without money or provisions. Such inhuman pillage is disgraceful to the Nation which permits, or does not, by adequate punishments, restrain it. The Masters, Supercargoes, other Officers and Seamen, should be allowed certain sums; the former to employ Counsel to support their Claims to the property captured, and all for their subsistence; and the Seamen might have an adequate allowance of good provisions until they could find Vessels returning to their own Country. To admit Masters and Supercargoes into the Courts to defend the property captured, when they have been previously stripped of their money, and all means of providing the legal assistance essential to a right defence, is to tantalize with the semblance of justice, while the substance is denied.

28th. If Vessels of either Party sail for a place actually blockaded by the other, without a previous knowledge of the Blockade, every such Vessel may be turned away, but not detained, nor her Cargo, if not Enemy's property, nor Contraband, be confiscated, unless, after notice, she shall again attempt to enter. Nor should any Vessel that may have entered prior to the Blockade be restrained from quitting such place with her return Cargo; nor, if found there after the reduction of the place, should they be liable to any injury.

29th. If a War should break out between the 2 Nations, 6 months after the Proclamation thereof, may be allowed to the Merchants and others of each Nation residing in the Dominions of the other, for selling and transporting their goods and merchandize. And if, during that term, any thing be taken from them, or injury done them, by either Party, or the Citizens or Subjects of either Party, full satisfaction should be made.

30th. The Articles of the Treaty, which you may conclude, as far as they respect compensation and payment for past injuries and contracts, should be permanent, until the objects thereof be fulfilled. So, likewise, the Article to prevent the sequestration or confiscation of debts, and shares or moneys in the public funds, or in public or private banks, should endure while on either side there is a subject on which to operate. The other Articles of the Treaty should terminate in 10 or 12 years; a period as long as they will be likely to be mutually satisfactory.

The following points are to be considered as ultimata;

1st. That an Article be inserted for establishing a Board, with suitable powers, to hear and determine the Claims of our Citizens for the causes hereinbefore expressed, and binding France to pay or secure payment of the sums which shall be awarded.

2d. That the Treaties and Consular Convention, declared to be no longer obligatory by Act of Congress, be not in whole or in part revived by the new Treaty; but that all the engagements to which The United States are to become Parties be specified in the new Treaty.

3d. That no guarantee of the whole or any part of the Dominions of France be stipulated, nor any engagement made in the nature of an Alliance.

4th. That no aid or loan be promised in any form whatever.

5th. That no engagement be made inconsistent with the obligations of any prior Treaty: and, as it may respect our Treaty with Great Britain, the Instruction herein, marked 21, is to be particularly observed.

6th. That no stipulation be made, granting powers to Consuls, or others, under color of which Tribunals can be established within our jurisdiction, or personal privileges be claimed by Frenchmen, incompatible with the complete Sovereignty of The United States in matters of Policy, Commerce, and Government.

7th. That the duration of the proposed Treaty be limited to 12 years at farthest, from the day of the exchange of the Ratifications, with the exceptions respecting its permanence in certain cases, specified under the Instruction marked 30.

TIMOTHY PICKERING.

Messrs. Ellsworth, Davie, and Murray.

No. 11.—*The American Plenipotentiaries to the Minister for Foreign Affairs.*

Corunna, 18th January, 1800.

THE Undersigned, Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the French Republic, have the honor to inform you of their arrival at this Port, after a lapse of 10 weeks since their leaving America, and the loss of 4 in a fruitless attempt to get from Lisbon, where they touched, to L'Orient. From hence they will proceed immediately to the confines of France. As they left The United States early in November, their Letters of Credence are of course "To the Directory of the French Republic." This circumstance being a matter of mere formality, they are induced to suppose that no objection will arise out of it, and that their Letters of Credence will have the same effect as they would have under an address adapted to the present distribution of the Powers of the French [1817—18.]

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Republic. Should the Government view this circumstance in the same light with the {Undersigned, they then request that Passports may be granted for them and their Suite to Paris, and that they may be forwarded by the Courier charged with these Despatches; and also, that there may be granted, and that you will have the goodness to transmit, together with their Letter to him, a like Passport to William Vans Murray, Esq. at The Hague, who is joint Envoy Extraordinary and Minister Plenipotentiary, as before mentioned, with them.

They {pray you, Sir, to accept, &c.

OLIVER ELLSWORTH.

M. de Talleyrand.

WM. R. DAVIE.

No. 12.—The Minister for Foreign Affairs to the American Plenipotentiaries. (Translation.)

GENTLEMEN,

Paris, 31st January, 1800.

I HAVE received the Letter {dated from Corunna, which you did me the honor to write to me. I exceedingly regret that a tedious and painful voyage should have so long retarded your arrival in France. You are expected with impatience; you shall be received with eagerness. The form given to your Letters of Credence will be no obstacle to opening the Negotiations, of which I dare foretell the happy success. I have hastened to transmit to Mr. Murray the Letter you addressed to me for him, and added the necessary Passports, in like manner as I enclose those of which you stand in need. I confide this Packet, agreeably to your wish, to the Courier you sent me.

Receive, Gentlemen, the assurance, &c.

Messrs. Elsworth and Davie.

CH. MAU. TALLEYRAND.

No. 13.—The Secretary of State to the American Plenipotentiaries. Department of State,

GENTLEMEN,

Philadelphia, 14th February, 1800.

IN your Commissions, containing your Full Powers, you are named "Envoys Extraordinary and Ministers Plenipotentiary of The United States to the French Republic," and you are authorized "to meet and confer with the Minister or Ministers of the French Republic, who shall be appointed and commissioned with equal Powers, and, with such Minister or Ministers, to discuss, and settle by a Treaty, all controversies between The United States and France:" consequently, the circumstance of your Letters of Credence being addressed to the late "Executive Directory," need not prevent or impede the proposed Negotiation; provided the existing Government in France are inclined to enter upon it, and to conclude a Treaty. This is the President's opinion, and by his direction I now communicate it to you. Indeed, the idea must have occurred to you, it being obvious that a satisfactory

Treaty, however negotiated, which shall be approved and ratified by the President, by and with the advice and consent of the Senate, will be alike valid as if conducted with the most minute attention to customary formalities.

I am, &c.

TIMOTHY PICKERING.

Messrs. Ellsworth, Davie, and Murray.

No. 14.—The American Plenipotentiaries to the Secretary of State.

SIR,

Paris, 18th April, 1800.

YOUR Despatches of the 6th and 20th of January reached us some time since, as did also their Duplicates and Triplicates.

We all met here the 2nd March, Mr. Murray having arrived the evening before.

The Papers marked from A to V. which we have the honor to enclose, trace the circumstances connected with our Mission which have since taken place.

On the 5th of March, we waited on the Minister of Exterior Relations, delivered Copies of our Letters of Credence, and requested to be informed at what time we should have an audience of the Premier Consul. He observed that, in cases like ours, it was usual to postpone the audience till the Negotiation was finished. We replied that, should we be honored with one before the Negotiation commenced, we thought its effect would be favorable. M. Talleyrand then said, he supposed there would be no difficulty upon that point, and that he would speak to the Premier Consul about it.

On the 8th March, agreeably to the notification we had in the mean time received, we attended, and had an audience of the Premier Consul, at the Palace of the Thuilleries, and delivered to him our Letters of Credence. We were received with the respect due to the character which we had the honor to bear. The audience was a public one, and was attended by the 2 other Consuls, the Ministers of the Government, Members of the Council of State, General Officers, and the Ministers of Foreign Powers. After the compliments usual on such occasions had passed, M. Talleyrand informed us that a Commission of 3 Ministers Plenipotentiary had been appointed to negotiate with us, and that we should receive a Note from him, officially notifying us of that appointment; which we accordingly received in the evening of the same day.

The illness of M. J. Bonaparte, President of the French Commission, prevented our meeting with them for the exchange of Powers until the 2nd instant; and the time until the 7th was also lost in obtaining such further Powers as were satisfactory to us. Since that day, you will perceive that the Negotiation has made some progress, and will

doubtless also perceive that there has been, on our part, due solicitude to give it facility.

Our Note of yesterday, sent to-day, was accompanied with 6 Articles, covering the whole ground of individual claim, and formed for a Treaty. But there has not been time to prepare a Copy for this Despatch.

It is understood that the Campaign has opened between Austria and France on the side of Italy.

We have the honor to be, &c.

OLIVER ELLSWORTH.

WILLIAM R. DAVIE.

WILLIAM V. MURRAY.

The Hon. Timothy Pickering.

P. S. We shall be hard pressed to revive the old Treaty, to save its anteriority.

No. 15.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZEN MINISTERS,

Paris, 7th April, 1800.

THE Undersigned, appreciating the value of time, and wishing by frankness to evince their sincerity, enter directly upon the great object of their Mission—an object which they believe may be best obtained by avoiding to retrace minutely the too well known and too painful incidents which have rendered a Negotiation necessary.

To satisfy the demands of justice, and render a reconciliation cordial and permanent, they propose an arrangement, such as shall be compatible with national honor and existing circumstances, to ascertain and discharge the equitable Claims of the Citizens of either Nation upon the other, whether founded on Contract, Treaty, or the Law of Nations. The way being thus prepared, the Undersigned will be at liberty to stipulate for that reciprocity and freedom of commercial intercourse between the 2 Countries, which must essentially contribute to their mutual advancement.

Should this general view of the subject be approved by the Ministers Plenipotentiary to whom it is addressed, the details, it is presumed, may be easily adjusted, and that confidence restored which ought never to have been shaken.

Accept, Citizen Ministers, their assurances, &c.

O. ELLSWORTH.

WILLIAM R. DAVIE.

WILLIAM V. MURRAY

Messrs. Bonaparte, Fleurieu, and Roederer.

No. 16.—The French Plenipotentiaries to the American Plenipotentiaries.

(Translation.)

Paris, 19th Germinal, Year 8.

THE Ministers Plenipotentiary of the French Republic have read attentively the proposition for a plan of Negotiation, which was communicated to them by the Envoys Extraordinary and Ministers Plenipotentiary of the United States of America.

They think that the first object of the Negotiation ought to be, the determination of the regulations and the steps to be followed for the estimation and indemnification of injuries, for which either Nation may make claim for itself, or for any of its Citizens.

And that the second object is, to assure the execution of Treaties of Friendship and Commerce made between the 2 Nations, and the accomplishment of the views of reciprocal advantages which suggested them.

The Undersigned observe, besides, that, the French Government not authorizing any measure which can furnish a pretext of inquietude to the American Commerce, a preliminary very favorable to the Negotiation would be, that the Envoys Extraordinary and Ministers Plenipotentiary of The United States would make known to the Minister Plenipotentiary of the French Republic, the Orders which, without doubt, have been given by the President of The United States to discontinue the effect of the Acts of Congress which have gone out of the bounds of good understanding which both Nations equally desire.

The Undersigned pray, &c.

J. BONAPARTE.

FLEURIEU.

ROEDERER.

Messrs. Ellsworth, Davis, and Murray.

No. 17.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZEN MINISTERS,

Paris, 11th April, 1800.

THE Undersigned have seen with pleasure in your Note, which they had the honor to receive yesterday, an acquiescence in the principle of compensating equitable Claims of Citizens on both sides, though you have proposed to include, also, Claims which either Nation might make for herself.

This description of Claims was omitted in the proposition of the Undersigned, not from the apprehension of an unfavorable Balance, but because, in their nature, they were difficult to define and limit; because their discussion might be unpleasant and dilatory; and because also, to insist on pecuniary compensation for themselves, would be incompatible with that magnanimity which it was presumed both Nations would prefer, in an act of accommodation so auspicious to their future prosperity. If, however, after considering these objections, and others

which will suggest themselves, the Ministers of the French Republic shall deem it necessary to provide pecuniary compensation for such Claims, the Undersigned will be ready further to consider the question, at a convenient stage of the Negotiation, which they apprehend will be after it shall be seen what arrangement would be acceptable for the Claims of Citizens.

The expectation of the Undersigned, with regard to Commerce, is not to renew or amend the former Treaty, but to propose a new one, which shall have fewer difficulties of construction and execution, shall more extend the provisions for intercourse, and better adapt them to the existing state of things; and they trust, when that existing shall have sufficiently progressed to take up this branch of it more particularly, their expectation will be shewn to be reasonable.

Any recent Acts of the French Republic, having for their object to remove from the American Commerce causes of disquietude, will be duly estimated in America, and be perceived to have strengthened the ground for returning confidence, when there shall have been time for it.

With respect to the Acts of the Congress of The United States, which the hard alternative of abandoning their Commerce to ruin, imposed, and which, far from contemplating a co-operation with the Enemies of the Republic, did not even authorize Reprisals upon her Merchantmen, but were restricted solely to the giving of safety to their own, till a moment should arrive when their sufferings could be heard and redressed:—of these Acts, the Undersigned do not know that the President of The United States has suspended their effects, except in the instance of saving St. Domingo from famine; but, without doubt, their effects will wholly cease as soon as it can be well assured that the necessity which imposed them no longer exists, of which the Undersigned hope that their Mission will be regarded as a sufficient pledge.

Should it appear to the Ministers of the French Republic, from these explanations, made with a frankness equal to the candor with which they are sure to be examined, that the way is prepared to bring forward an arrangement for the Claims of Citizens, the Undersigned will soon have the honor to offer for their consideration some details on that subject.

Accept, Citizen Ministers, the assurance, &c.

O. ELLSWORTH.
WILLIAM R. DAVIE.
WILLIAM V. MURRAY.

Messrs. Bonaparte, Fleurieu, and Roederer.

No. 18.—*The French Plenipotentiaries to the American Plenipotentiaries.*

(Translation.)

Paris, 23d Germinal, Year 8.

THE Ministers Plenipotentiary of the French Republic see no obstacle to prevent the Envoys Extraordinary and Ministers Plenipotentiary of The United States from unfolding the considerations, at which they have stopped, on the subject of the arrangements to be made concerning the Individual Claims of one Nation against the other.

These Claims cannot be appreciated on one side or the other, but by the discussion of the principles of the Law of Nations, and the dispositions of Treaties. The National Claims will, for the most part, be implicitly appreciated, when those of Individuals shall be.

The National Stipulations will be but the ulterior consequences of the same principles.

The question, whether it will be expedient to make a new Treaty, cannot be resolved till after the discussions which shall have taken place, relative to Individual and National Claims, shall have determined the application which it is proper to make of the Law of Nations, and fixed with precision the sense of ancient Treaties. It will be only after removing the doubts which have been raised in this respect, that it will be possible for the Ministers of the 2 Nations to decide whether the ancient Treaties are sufficient or not for their interests.

Besides, the Ministers Plenipotentiary of the French Republic cannot see, without pain, that the Ministers Plenipotentiary of The United States do not know whether their Government have discontinued the hostile state which they have assumed with regard to France.

The French Government, having repealed several Regulations which had disquieted the Federal Government; having published many others, with the view of re-establishing harmony, and being still ready to do all that justice can demand, to remove every irritating remembrance, had a right to expect, among other testimonies of reciprocity, that the armed Ships of The United States would no longer continue to attack the Ships of the Republic, and that the further effusion of human blood should not be to be feared.

In order, therefore, that the Negotiation should not be disturbed by disagreeable incidents, it would be necessary that the Ministers Plenipotentiary of The United States should give to the Ministers Plenipotentiary of the French Republic, the assurances that their Government will, without delay, discontinue the hostile position which it holds with respect to France. This assurance, strongly required by the Acts of the French Government, to which it would promise a just

reciprocity, would be but a legitimate exchange of that which is contained in these presents.

The Undersigned, pray, &c.

J. BONAPARTE.

FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

No. 19.—*The American Plenipotentiaries to the French Plenipotentiaries.*

CITIZEN MINISTERS,

Paris, 18th April, 1800.

THE Undersigned have been favored with your Note of the 23rd Germinal.

With respect to assurances desired of them, that the measures of The United States, which had been resorted to for the protection of their commerce, should immediately cease, they must explicitly declare, that they are not authorized to give assurances, otherwise than by incorporating them in a Treaty, it having been expected by their Government that in that way every necessary assurance on both sides would be so soon given as to render preliminary provisions of little use; and which expectation, the Undersigned confidently trust, will not be disappointed. Should they, however, be favored with Copies of recent repeals of regulations, which had given disquietude to The United States, it would be as well their pleasure as their duty to transmit the same, in the most favorable manner, to their Government, which would be sure, in the conciliatory temper it has evinced, to receive from them, very fully, the correspondent impressions they are adapted to make.

Penetrated, as the Undersigned are, with the interests which both Nations have in returning to a good understanding, they receive, with sensibility, a pledge of that event, in the declaration that the French Republic is ready to do all that justice can require, to obliterate every irritating remembrance. The Undersigned, conceiving that the way is now prepared, have the honor to offer for consideration some details respecting the Claims of Individuals. They have preferred to offer them at once in the form of Articles of the Treaty, as containing a full and frank expression of their views, as a mean by which the principles can be discussed, connected directly with the application, as the most probable way of fixing the attention of the Ministers on both sides upon the points of difference of opinion, if any such exist, and as affording the most certain prospect of progressing in the business; and they have no doubt that in those articles or propositions will be seen a spirit of accommodation, as well as of justice.

Accept, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu and Roederer.

W. V. MURRAY.

(Enclosure)—*American Project of Articles (1 to 6) of a Treaty between The United States and France.*

ART. I. There shall be a firm, inviolable, and universal, Peace, and a true and sincere friendship, between the French Republic and the United States of America ; and between their respective Countries, Territories, Cities, Towns, and People, without exception of Persons or Places.

II. Whereas complaints have been made by divers Merchants and others, Citizens of The United States, that, during the course of the War in which the French Republic is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures and condemnations of their Vessels and other property, and by reason of irregular or illegal seizures or detentions of their Vessels and other property, in Ports or Places within the jurisdiction or Dominions of the said Republic: all under color of authority or Commissions from the same; for which losses and damage, they have failed, without manifest neglect or wilful omission on their part, to obtain adequate compensation: it is agreed, that, in all such cases, full and complete compensation shall be made by the Government of the French Republic.

And whereas complaints have also been made by divers Merchants and other Citizens of the French Republic, that,

Under color of authority or Commissions from The United States, for which losses and damage they have failed, without manifest negligence or wilful omission, on their part, to obtain adequate compensation: it is agreed, that, in all such cases, full and complete compensation shall be made by the Government of The United States.

That, for the purpose of ascertaining the amount of any such losses and damage sustained, either by Citizens of The United States or of the French Republic, 5 Commissioners shall be appointed, and authorized to meet and act in the following manner, viz :

When the 5 Commissioners, thus appointed, shall first meet, they shall, before they proceed to act, respectively, take the following oath or affirmation in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered on the records of their proceedings, viz: " I, A. B. one of the Commissioners appointed in pursuance of the IInd Article of the Treaty of ———, between the French Republic and the United States of America, do solemnly swear, or affirm, that I will honestly, diligently, impartially, and carefully examine all such complaints, as, under the said Article, shall be preferred to the said Commissioners, and the same will decide, to the best of my judgment, according to the rules and principles of decision expressed and contained in the said Treaty of ———. I will also, in like manner, examine all such complaints as, under the Vth Article of the said Treaty, shall be preferred to the said Commissioners, and will decide them, to the best of my judgment, according to jus-

tice and equity; and that I will forbear to act as Commissioner in any case in which I am personally interested."

Two years from the day on which the Commissioners shall form a Board, and be ready to proceed to business, are assigned for receiving complaints and applications; but the Commissioners are, nevertheless, authorized, in any particular case, in which it shall appear to them reasonable and just, to extend the said term of 2 years, for any term not exceeding 6 months after the expiration thereof.

The Commissioners shall be appointed, and meet at ———, within 6 months from the Ratification of this Treaty by the respective Governments, and as much sooner as may be.

The Commissioners, in examining the complaints and applications so preferred to them, shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also, to receive in evidence, according as they may think most consistent with justice and equity, all written Depositions, or Books, or Papers, or Copies, or Extracts thereof; every such Deposition, or Book, or Paper, or Copy, or Extract, being duly authenticated, either according to the legal forms now existing in the 2 Countries, or in such other manner as the said Commissioners shall see cause to require or allow. They shall not, in examining Claims under this Article, be concluded, either as to Law or facts, by any judicial Decision, Sentence, or Decree, which has been had or rendered therein. And they shall decide the Claims in question, according to the original merits of the several Cases, and to justice, equity, and the Law of Nations; and, in all cases of complaint existing prior to the 7th of July, 1798, according to the Treaties and Consular Convention then existing between France and The United States.

The Award of said Commissioners or any Board of them, as herein-before provided for, shall be final and conclusive as to the justice of the Claim, and the amount of the sum to be paid to the Creditor or Claimant. And they shall comprehend, when in favor of a Claimant, a reasonable allowance of interest on the original losses or damage, computed up to the time when the Award is to be performed.

And it is also further agreed, that not only the now existing Cases of all the descriptions before named, but all such as shall exist at the time of exchanging the Ratifications of this Treaty, shall be considered as being within the provisions, intent, and meaning of this Article.

III. The French Republic, desirous, in an adjustment of differences with The United States, to give them a proof of her liberality, by waiving formal exceptions, and narrowing the ground of discussion, does agree that such Claims of the Citizens of The United States for compensation as shall be in other respects fair and equitable, shall not be prejudiced by reason of not having on board their Vessels, when

captured, any other Passport or Sea-letter than such as had been usually furnished by their Government prior to the 2nd day of March, 1797, or any other Ship's Rôle d'Equipage, or other Shipping Paper, than had been generally used by the Citizens of The United States prior to that date: nor shall their Claims be prejudiced by reason of having on board their Vessels, when captured, merchandise the manufacture or production of any particular Country or Place.

IV. Any sum which shall be awarded by the said Commissioners, pursuant to the IIInd Article of this Treaty, in favor of a Claimant, a Citizen of The United States, the Government of the French Republic will, on the condition of such releases or assignments, to be given by him as the said Commissioners may direct, cause to be paid to such Claimant, in silver or gold coin, without deduction, at Paris, within 3 months after the date of the Award; or will then cause the sum so awarded to be converted into transferable stock or capital, bearing an interest at the rate of 6 per cent. per annum; which interest and principal the said Government will cause to be paid in silver or gold coin, without deduction, to such Claimant, or his Transferee, at Paris, viz: the interest annually, and the principal by 3 equal instalments, viz: one-third in 3 years, one-third in 5 years, and the remaining third in 7 years, from the date of the Award. The form of the security or securities, and the mode of transfer, to be such as the said Commissioners shall prescribe. And any sum which shall be so awarded in favor of a Claimant, a Citizen of the French Republic, the Government of The United States will, within 6 months after the date of the Award, upon like condition, and in like manner and time, cause to be paid, or secure to be paid to such Claimant, or his Transferee, at the City of Washington.

V. And whereas complaints have been made by divers Merchants and others, Citizens of The United States, that the French Government is indebted to them by contract in considerable sums, for provisions and other property received from them in France, and other Places, within the jurisdiction or dominions of the said Republic, and for freight and use of their Vessels to transport provisions and other property and prisoners, all since the commencement of the War in which the French Republic is now engaged, for a part of which debts they hold certificates and bills issued and drawn by Officers and Agents of the Republic, payable in France and in other Places; and that, although they have used due diligence, it has never been in their power to obtain payment of said debts, certificates, or bills: it is agreed that in such cases the Claimants may, if they see fit, prefer their Claims to the Commissioners provided in the IIInd Article, who are authorized to proceed respecting the same, as to the time of their reception, mode of examination, and admission of evidence, and generally in other respects, as is prescribed for the Claims

there specified, and shall decide them according to justice and equity.

The Award of the Commissioners, in such cases, or any Board of them, as is provided in the IInd Article, shall be final and conclusive, both as to the justice of the demand and the amount of the sum to be paid to the Creditors or Claimants. And, when in favor of Claimants, they shall comprehend interest from the times respectively at which the debts ought, according to the tenor or nature of the contract, to have been paid, at the rates respectively stipulated therein; or where none was specially stipulated, at such rate, in each case, as the Commissioners shall judge to be just. But it is understood that no Person, by omitting to prefer such his Claim to the said Commissioners, shall thereby impair his right to seek and obtain payment by any other means.

Whatever sum shall be awarded in favor of any Claimant under this Article, the Government of the French Republic will, in 3 months after the date of the Award, on condition of such releases or assignments, to be given by him as the said Commissioners may direct, cause to be paid to him, without deduction, in gold or silver coin, at Paris: or will then convert the same into transferable stock, or capital bearing an interest at the rate of 6 per cent. per annum; which interest and principal the said Government will cause to be paid, without deduction, in gold or silver coin, to such Claimant, or his Transferee, at Paris, viz: the interest annually, and the principal by 3 equal instalments, viz: one-third in 2 years, one-third in 4 years, and the remaining third in 6 years, from the date of the Award. The form of the security or securities, and the mode of transfer, to be such as the said Commissioners shall prescribe.

VI. It is further agreed, that the Commissioners mentioned in this and the preceding Articles, shall be respectively paid in such manner as shall be agreed between the 2 Nations; such agreement being to be settled at the time of the exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissioners shall be defrayed jointly by the 2 Parties, the same being previously ascertained and allowed by a majority of the Commissioners.

And in case of death, sickness, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed; and the new Commissioner shall take the same Oath or Affirmation, and do the same duties.

Explanatory Note.

The Ministers Plenipotentiary of the French Republic will please to observe, that a blank is left for the insertion of such Claims of the Citizens of the Republic on The United States as the Ministers may think proper to bring forward. A blank is also left for the mode of selecting the 5 proposed Commissioners, and another for the manner

in which they shall be organized ; for the filling of which 2 last, the Envoys of The United States are preparing propositions, which will be sent in a day or two. A blank is also left for the title of the Treaty, of which the proposed Articles, if agreed to, may form a part.

No. 20.—The French Plenipotentiaries to the American Plenipotentiaries.
(Translation.) *Paris, 16th Floreal, Year 8.*

THE Ministers Plenipotentiary of the French Republic regard, as well as the Envoys Extraordinary and Ministers Plenipotentiary of The United States, the communication of their Project of a Treaty as a frank mode of leading to the discussion of principles which should illumine the Negotiation, and of directing to the object of it.

The object of this Negotiation is to produce the reconciliation, and to cement the ancient friendship, of the 2 Nations.

The principles from which the Undersigned think it necessary to set out, are those which can determine the true sense of those mutual obligations, whose real or presumed inexecution has caused the misunderstanding of the respective Governments.

The valuation and discharge of damages for the 2 Nations, or their Citizens, which have resulted from this transient misunderstanding, can be considered only as a consequence of the interpretation which will be given by mutual consent, to the Treaties, and as a pledge of the sincere return to the primitive relations of the 2 Nations, and of the forgetfulness of events which have disturbed them.

The communication of the Project proposed by the Ministers of The United States, then, tends to the removal of difficulties which may interpose between the object which it is necessary to attain, and the principles from which it is expedient to set out.

The respective Ministers agree, also, upon the expediency of Compensation.

The discussion, then, is now confined to 2 points, viz :

1st. What are the principles which ought to govern the political and commercial relations of the 2 Nations ?

2d. What is the form most suitable to the respective interests, of liquidating and discharging the Indemnities which shall be due ?

The examination of principles, it seems, should precede that of the means of indemnification ; since, on the one part, indemnification can result only from an avowed violation of an acknowledged obligation, and, on the other, the agreement upon principles can alone assure Peace and maintain friendship.

The Ministers of the French Republic would, therefore, hasten to explain themselves upon the different interpretations given, respectively, to the Treaties, for several years past, if, upon reading the IInd Article of the Project of the Treaty which has been communicated to them, they had not been struck with a distinction, of which they neither

conceive the cause or the object, and upon which an explanation has appeared to them necessary. The words which include it relate to the Commissioners which will be named for the liquidation of damages.

They shall decide, says the Project, the demands according to their original and intrinsic merit, conformably to Justice and the Law of Nations; and in all cases of complaint prior to the 7th of July, 1798, they shall pronounce agreeably to the Treaties and Consular Convention then existing between France and The United States.

The Ministers Plenipotentiary of the French Republic see no reason which authorizes a distinction between the time prior to the 7th of July, 1798, and the time subsequent, for the purpose of applying to damages which have taken place in the former, the dispositions of the Treaty, and only the principles of the Law of Nations to those which have taken place during the latter.

The Mission of the Ministers Plenipotentiary of the French Republic has pointed out to them the Treaties of Alliance, Friendship, and Commerce, and the Consular Convention, as the only foundations of their Negotiations: upon these acts has arisen the misunderstanding, and it seems proper that, upon these acts, union and friendship should be established.

When the Undersigned hastened to acknowledge the principle of compensation, it was in order to give an unequivocal evidence of the fidelity of the French Government to its ancient engagements, every pecuniary stipulation appearing to it expedient, as a consequence of ancient Treaties, and not as the preliminary of a new one.

The Undersigned pray, &c.

J. BONAPARTE.

FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

P. S. We have the honor to transmit you, herewith, the Acts which prove the zeal of the French Government to discontinue the causes of irritation which have, for some time, subsisted.

*No. 21.—Extract from the Journal of the American Plenipotentiary.
Paris, 7th May, 1800.*

A CONFERENCE was held to-day for the purpose of agreeing upon the Draft of an Answer; and as the French Ministers had acceded to the general proposition of mutual compensation and indemnity, in their Note of the 19th Germinal, (9th April,) and had again recognized the principle in their Note of the 16th Floreal, (6th of May,) connected with certain discussions, and the ulterior adjustment of the existing differences, in a Treaty, the Envoys were of opinion that they would facilitate the arrangements, as to the preliminary object, and avoid the

waste of time in the discussion of general abstract principles, by sending the entire Project of a Treaty which they had then prepared.

By these means they hoped to fix the attention of the French Ministers to the real objects of difference, and press the business forward, with a degree of certainty that would mark the progress of Negotiation; and, therefore, the next day, the 8th of May, forwarded the answer [which follows] of that date, accompanied by the remaining part of their Project of a Treaty, from Article 7 to Article 36, inclusive.

O. ELLSWORTH. W. R. DAVIE. W. V. MURRAY.

No. 22.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZEN MINISTERS,

Paris, 8th May, 1800.

THE Undersigned have been honored with your Note of the 16th Floreal.

They readily assign the reason why it was proposed by them, that the Treaties and Consular Convention made between France and The United States should be the rule of decision on the Claims of their respective Citizens, only with respect to causes of complaint which arose prior to the 7th of July, 1798, leaving their subsequent causes of complaint to rest upon the Law of Nations; as also the reason why they cannot regard those Treaties as the basis of the present Negotiation, for any other purpose than that of giving a rule by which causes of complaint, prior to the period abovementioned, are to be tested.

It was not till after the Treaty of Amity and Commerce of February, 1778, had been violated to a great extent on the part of the French Republic, nor till after the explanations, and an amicable adjustment, sought by The United States, had been refused, that they did, on the 7th of July, 1798, by a solemn public Act, declare that they were freed and exonerated from the Treaties and Consular Convention which had been entered into between them and France. Nor would such Declaration, though justified by the Law of Nature and of Nations, have even then been made, if it had been possible for The United States, while continuing the Treaties and Consular Convention as the rule of their conduct, to guard against injuries which daily increased, and threatened their commerce with total destruction. That Declaration cannot be recalled; and The United States must abide by its effects with respect to the priority of Treaties, whatever inconveniences may result to themselves. The Government, it was understood, could not, with good faith, give to the Undersigned, Powers to change or affect such prior Treaty, and they do not possess them.

The Undersigned deem it unnecessary at present to enumerate the Acts of the French Government which produced the above measure. The principles of those Decrees are as well understood, and now as

fully acknowledged, as the mischiefs they have generated : and as the object of this Negotiation is to produce the reconciliation, and to cement the ancient friendship, of the 2 Nations, such a painful recapitulation would answer no valuable purpose. They are, therefore, still of opinion that the views of the respective Ministers should be directed to the object of terminating their differences in such a manner as, without a specific and detailed discussion on the merits of the respective complaints, might, by the adoption of plain and acknowledged principles of justice, produce mutual satisfaction and a permanent good understanding.

The Undersigned recognize the principle that right to indemnification can result only from the violation of a known obligation, and they conceive it to be equally incontrovertible that the Law of Nations constitutes such an obligation where Treaties do not enough. They have not understood that the principle of compensation proposed by them was admitted, without a supposition that other points would be satisfactorily arranged : yet they trust that satisfying the demands of justice will always be considered as the wisest of political expedients.

The questions, what are to be the political, and what the commercial Relations of the 2 Countries, have had the consideration, so far as the Undersigned have been able to bestow it, which questions of such high and extensive import deserve.

For an answer to the first, they refer to their Project of a Treaty ; and it is scarcely necessary to add, that the interest of The United States, while it prompts them strongly to cultivate a good understanding with France, forbids them to wish such relations to any Power as might involve them in the Contests with which Europe is so often scourged. They wish not even to afford in their Ports, beyond the rights of hospitality, an asylum for Privateers, which obstructs their commerce, and too easily entangles them in the conflicting passions and interests of the Belligerent Powers.

It is true, however, that the engagements of The United States do not as yet permit them to pursue their policy with respect to Privateers to its full extent ; those of 1 Nation have a right of an asylum in their Ports, but it is a right which may cease in 2 Years after the present War with Great Britain. Nor is it conceived very interesting to the French Republic during the present War, which is presumed to draw near to an honorable termination, to whose Prizes and Privateers the Ports of The United States may in the mean time be most open, as few or none of her Merchantmen now pass that Coast to be exposed, and as few or none of her Enemies pass it without Convoys too strong for Privateers.

For an Answer to the other Question,—What is to be the commercial relation of the 2 Nations ? the Undersigned refer particularly to the XIIIth Article of their Project, which they have endeavored to accom-

moderate, not only to the existing circumstances, but to the future hopes of both Nations.

It is seen that this Article goes further than the colonial and monopolizing systems of Europe have admitted an experiment of: but it is hoped that the period approaches when Nations will cease to interpose those barriers and restraints upon commerce, which, beside checking industry and enterprise, diminish the value of every thing they have to sell, and enhance the price of every thing they purchase.

As to an unembarrassed intercourse between The United States and the French West India Islands in particular, nothing could more happily or perhaps more justly efface the recollection of the former in their sufferings in that quarter; and certainly nothing could sooner restore the latter to productiveness and utility. They need only, in addition, to order facility of supply and sales, a few years, for their complete re-establishment, and even to carry them to a height of prosperity which the neighboring Islands could not rival.

Reserving to the Republic exclusively her Coasting Trade, and the direct Trade between France and her Colonies, to encourage, by a reduction of Duties to a limited extent, the use of their own Ships, is presumed sufficient so to raise the Marine of both, which fortunately can rise without being objects of mutual jealousy, as to ensure a reasonable share of the privileges of the Ocean.

And, lastly, it will not be an objection to this Article, that while it proposes to invigorate the Commerce of France, it promises also extension and activity to that of The United States. Because it is well understood that every depression which the Commerce of the latter feels, and every risk to which it is subjected, profit only the Enemies of the former, by augmenting their carrying Trade, and increasing their Naval Power.

With this Note the Undersigned have the honor to transmit the remaining part of a Project, which, together with what has been transmitted, discloses fully their views, and will, as they hope, facilitate the progress of the Negotiation.

Accept, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

P. S. The Envoys of The United States have not had the pleasure to receive the Copies referred to in the Postscript of the Note to which the above is an Answer.

(Enclosure.)—American Project of Articles (7 to 36) of a Treaty between The United States and France.

VII. All Citizens and Inhabitants of either Nation, detained within
[1817--18.] F

the jurisdiction of the other, for any cause except for debt or crimes committed within the same, shall be immediately set at liberty.

All Ships of War or other Public Ships which either Nation has taken from the other, and detains, shall be given up, or where that cannot without difficulty be done, the full value of them shall be restored; and the value, if not agreed between the Parties, shall be ascertained by the Commissioners mentioned in the IInd Article.

And it is further agreed, that, if the armed Ships of The United States have retaken and set free from the Ships of War or other Public Ships of the French Republic any Prizes which they had captured from their Enemies, The United States will make compensation to the French Republic for the Prizes so liberated. Claims for the same may be preferred to the said Commissioners, who shall decide them according to justice and equity; and any sum or sums which they may award in satisfaction of such Claims, the Government of The United States will cause to be paid or secured in the same manner as is provided in the IInd Article in the case of Claims of the Citizens of the French Republic. And as well all cases of either of the descriptions aforesaid, which shall exist at the time of exchanging the Ratifications of this Treaty, as those which now exist, shall be considered within the intent and meaning of this Article.

VIII. The Citizens and Inhabitants of The United States shall be exempted in the French Republic from the *Droit d'Aubaine*, or other similar Duty, under whatever name: and the Citizens and Inhabitants of both Nations may, by testament, donation, or otherwise, dispose of their real estates already acquired, and of their goods and effects; and their heirs or representatives, being Citizens of one of the Parties, and residing in either Nation, or elsewhere, may succeed to them, even *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this provision contested or impeded under any pretext whatever: and their heirs or representatives shall receive such estate or goods and effects either in Person, or by Attorney or Substitute; and if the heirs or representatives to whom such succession or devise, and goods and effects may have fallen, shall be Minors, the Guardian, Tutor, Curator, or Executor, established by the Testament, or by the domiciliary Laws of the Country whereof such Minor shall be a Citizen or Inhabitant, may direct, administer, and alienate the estate or goods so fallen to such Minors; and in general, in relation to such estate and goods, use all the rights, and fulfil all the functions, which belong by the disposition of the Laws to such Guardian, Tutor, Curator, or Executor. The inheritances, as well as the goods and effects which the said Citizens or Inhabitants, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted, with respect to each, from all Duty whatever. But it is at the same time agreed, that this Article shall in

no manner derogate from the Laws which either State may have now in force, or may hereafter enact, to prevent emigration ; Provided, also, that, if the Laws of either Country should at any time be incompatible with the inheritance or devise of real estate by and to Aliens, it is agreed that such real estate may be sold or otherwise disposed of to Citizens or Inhabitants of the Country where it may be.

IX. Neither the debts due from individuals of the one Nation to individuals of the other, nor shares nor moneys which they may have in public funds, or in the public or private banks, shall ever, in any event of War or national difference, be sequestered or confiscated.

X. And whereas debtors may flee from the Territories of one of the Contracting Parties to those of the other; it is agreed that the Creditors, being Citizens or Inhabitants of either Nation, may pursue such debtors, whether they be Citizens or Inhabitants or not of either Country, and shall have the benefit of the Laws of the Country to which such debtors may flee, on the one side and on the other, in the same manner as if the debt or cause of action had arisen or been therein contracted.

XI. And it is further agreed that the Governments of both Nations, on requisitions by them respectively made, or by their respective Ministers, Consuls, or other Officers authorized to make the same, will deliver up to justice all Persons, who, being charged with murder or forgery committed within the Territories of the Party making the requisition, shall seek an asylum within any of the Territories or Dependencies of the other: provided that this shall only be done on such evidence of criminality, as, according to the Laws of the Nation where the Fugitive or Person so charged may be found, would justify his apprehension and commitment for trial, if the offence had been there committed: the expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition and receive the arrested Fugitive.

XII. To favor commerce on both sides, it is agreed, that, in case a War should break out between the 2 Nations, (which God forbid,) the term of 6 months after the declaration of War shall be allowed to the Merchants and other Citizens and Inhabitants respectively, on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to send, carry away, or sell where they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of 6 months; on the contrary, Passports, which shall be valid for a time necessary for their return, shall be given to them for their Vessels and the effects which they shall be willing to send away or carry with them; and such Passports shall be a safe conduct against all insults and Prizes which Privateers may attempt against their persons or effects. And if any thing be taken from them, or any injury done to

them or their effects, by one of the Parties, their Citizens, or Inhabitants, within the time above prescribed, full satisfaction shall be made to them on that account.

XIII. And for the purpose of more effectually maintaining a good correspondence, and facilitating commerce between the Citizens of the 2 Nations, it is agreed, on the part of The United States, that the Merchant Ships and Vessels of the French Republic may freely enter, lade, and unlade, at such convenient Port or Ports, in each of The United States situate on the Ocean, as shall for that purpose be designated by the Laws of The United States; and until such designation shall be made, at any of the Ports of the same where Foreign Ships and Vessels are now permitted to enter, and may at all times enter, lade, and unlade at any Port in the said States at which Ships and Vessels of the most favored Nation shall be permitted to do the same.

The Citizens of the French Republic may import in such Ships and Vessels, and freely dispose of, all merchandizes, without exception, of the manufacture, growth, or produce of any part of the Territories or Dominions of the French Republic, or of the produce of her Fisheries, and also all merchandizes of the manufacture, growth, or produce of any Foreign Country, or Place, the importation of which shall not be prohibited in Ships and Vessels of The United States; and they may export in such Ships and Vessels, to any Country or Place out of The United States, all merchandizes, the exportation of which shall not be prohibited in Ships and Vessels of The United States.

There shall be paid on such Ships and Vessels in the Ports of The United States no other or higher duty than shall be paid on the Ships and Vessels of the most favored Nation; nor any other or higher duty than a tonnage duty, not exceeding 50 cents per ton of the Ship or Vessel, and such duties or fees on Papers obtained from any Office of the Port as the Citizens of The United States shall pay in like cases.

No Duties shall be paid on the exportation in such Ships and Vessels of any merchandizes whatever; nor shall any other or higher Duty be paid on the importation, in such Ships and Vessels, of any merchandize than the most favored Nation shall pay in like cases; nor any other or higher Duty than shall be paid on the importation of like merchandize in the Ships and Vessels of The United States; except that there may be exacted a Duty less by any proportion not exceeding one-11th part on importations in their own Ships and Vessels, than on importations in any other Ships or Vessels whatever; and except also that there may be exacted such Duties on Teas imported in the Ships and Vessels of the French Republic as shall be paid on Teas imported in the Ships and Vessels of the most favored Nation.

The Ships and Vessels of the French Republic shall be permitted, when it shall be convenient for them, both to lade and unlade by

parcels at different Ports in The United States, conforming to such regulations as the Laws of the Country shall prescribe to prevent frauds in the Revenue. But they shall not unlade in any Port of The United States what they have laded in any other Port of the same, except in cases of distress, and shall then only be permitted to sell so much of what they so laded as may be necessary for the repairs of the Ship or Vessel, and the prosecution of the Voyage.

And it is also agreed, on the part of the French Republic, that the Merchant-Ships and Vessels of The United States may freely enter, lade, and unlade at such convenient Port or Ports in every part of the Territories or Dominions of the French Republic, in any quarter of the World, as shall for that purpose be designated by the Laws of the Republic; and until such designation shall be made, at all the Ports in the said Territories or Dominions where the Ships or Vessels of the French Republic are now permitted to enter from the sea; and they may at all times enter, lade, and unlade at any Ports within the said Territories or Dominions at which Ships or Vessels of the most favored Nation shall be permitted to do the same.

The Citizens of The United States may import in such Ships or Vessels, to every Port of the said Territories or Dominions, and freely dispose of, all merchandises, without exception, of the manufacture, growth, or produce of any Foreign Country or Place, the importation of which shall not be prohibited in the Ships and Vessels of the French Republic.

And they may export in such Ships and Vessels, from every part of the said Territories or Dominions, to any Country or Place out of the same, all merchandises whatever, the exportation of which shall not be prohibited in Ships and Vessels of the said Republic.

There shall not be paid on such Ships and Vessels, in any Port in the Territories or Dominions of the French Republic, any other or higher duty than shall be paid at such Port on the Ships and Vessels of the most favored Nation, nor any other or higher duty than a Tonnage Duty of 53 sols per ton of the Ship or Vessel, and such duty or fees on Papers obtained from any Office of the Port as the Citizens of the French Republic shall pay in like cases.

No Duties shall be paid on the exportation in such Ships and Vessels, from any Port in the said Territories or Dominions, of any merchandize whatever. Nor shall any other or higher Duty be paid on the importation in such Ships and Vessels, to any part of the said Territories or Dominions, of any merchandise whatever, than the most favored Nation shall pay in like cases; nor any other or higher Duty than shall be paid on the importation of like merchandises in the Ships and Vessels of the French Republic; except that there may be exacted a Duty less by any proportion not exceeding one 11th part on importations in Ships and Vessels of the said Republic than

on importations in any other Ships and Vessels whatever ; and except, also, that there may be exacted such Duties on Teas imported in Ships and Vessels of The United States as shall be paid on Teas imported in the Ships and Vessels of the most favored Nation.

The Ships and Vessels of The United States shall be permitted, when it shall be convenient for them, both to lade and unlade by parcels in different Ports throughout the Territories or Dominions of the French Republic, conforming to such Regulations as the Laws of the Country shall prescribe to prevent frauds in the Revenue: but they shall not unlade in any Port within the said Territories or Dominions what they have laded at any other Port within the same, except in cases of distress, and shall then only be permitted to sell so much of what they had so laded as may be necessary for the repairs of the Ship or Vessel, and for the prosecution of the voyage.

XIV. The Citizens of each Party, respectively, shall have free admission into the Dominions of the other, with liberty to reside there, to hire houses and warehouses for the purposes of trade and Commerce ; and complete protection and security for the Merchants and Traders, Citizens of either Party, with their goods and effects, whether in going to, residing in, or in retiring from, the Dominions, or from one part thereof to another, of the other, shall be given. It shall be lawful for them, on either side, to employ such Advocates, Attorneys, Notaries, Solicitors, Factors, Brokers, and Interpreters, without being obliged to employ either, as they shall think proper ; and it shall be wholly free for all Merchants, Commanders of Ships and Vessels, Citizens of either Party, in every place subject to the jurisdiction of the other, to direct and manage their own affairs and business ; and in relation to the loading or unloading of their Vessels, and every thing which has relation thereto, they shall not be obliged to employ, though they may if they please, any Person but those of the Crew of the Vessel.

XV. The Ships of the Citizens of the respective Countries, coming upon any of the Coasts belonging to either of the Parties, but not willing to enter into Port, or being entered into Port, and not willing to unlade their Cargoes or break bulk, shall not be obliged to give an account of their lading, unless they are suspected, upon sure evidence, of carrying prohibited goods, called Contraband, to the Enemies of either of the 2 Contracting Parties ; but shall be subject, nevertheless, to such regulations in the Port as may be prescribed by the Government of the Place.

XVI. In case the Citizens of either Party, with their shipping, whether they be public and equipped for War, or private and employed in commerce, be forced, through stress of weather, pursuit of Pirates or Enemies, or any other urgent necessity for seeking of shelter and harbor, to retreat and enter into any of the Rivers, Creeks, Bays

Ports, Roads, or Shores, belonging to the other Party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their Ships; and they shall be allowed to break bulk, and unlade and sell, conformably to the orders and regulations of the Government of the Place, so much of the Cargo as may be necessary to defray their expenses, without being obliged to pay any Duties whatever, except only on such articles as they may be permitted to sell for the purposes aforesaid; and they shall no ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any let or hindrance.

XVII. If any Ship, belonging to either of the Parties, or their Citizens, shall be wrecked, foundered, or otherwise damaged, the same protection and assistance shall be given to the persons shipwrecked, or such as shall be in danger thereof, or be otherwise distressed, as would be afforded in like cases to the Inhabitants of the Country on whose Coasts such misfortune may happen, and Letters of safe conduct shall likewise be given to them, when required, for their free and quiet passage from thence, and their return to their own Country.

XVIII. It is likewise agreed, that Deserters from the public and private Vessels of either Nation shall be arrested and delivered up, on application made according to the orders and regulations of the Government of the Place where such Deserter shall be, by the Consul, Vice-Consul, or Agent of the Nation of which such Deserter may be a Citizen: and suitable provision shall be made by Law in each Country for that purpose; and not only the original Enlistment, Shipping Paper, or Rôle d'Equipage, but a Copy or Extract, certified to be conformable to the Original by a Judge of the Country in which the Vessel may be, or from which she may have departed, shall also be admitted in proof of desertion; and such Extract or Copy shall have in all the Ports of the respective Powers, the same force with the Original, for 6 months.

And it is farther agreed, that the Masters and Commanders of Vessels, public and private, of one Nation, in the Country of the other, may engage, and receive on board, Seamen and others, Natives or Inhabitants of the Country to which the Vessels belong: provided that either on one side or the other, they shall not be at liberty to take into their service such of their Countrymen (Deserters excepted) as may have already engaged in the service of the other Party, whether they meet them by Land or by Sea, unless the Captains or Masters under whose command such Persons may be found will voluntarily discharge them from their service.

XIX. Neither of the said Parties shall permit the Ships or Goods belonging to the Citizens of the other to be taken within cannon shot of the Coast, nor in any of the Bays, Ports, or Rivers of their Territories, by Ships of War, or others, having Commissions from any Foreign State or Prince; but in case it should so happen, the Party whose territorial rights shall thus have been violated, shall use his utmost endeavors to obtain from the offending Party full and ample satisfaction for the goods and Vessel or Vessels so taken, whether the same be Vessels of War or Merchant Vessels.

XX. It shall be lawful for the Citizens of either Country to sail with their Ships and merchandise, (Contraband Goods always excepted) from any Port whatever, to any Port of the Enemy of the other, and to sail and trade with their Ships and Merchandise, with perfect security and liberty, from the Countries, Ports, and Places, of those who are Enemies of both or of either Party, without any opposition or disturbance whatsoever, and to pass, not only directly from the Places and Ports of the Enemy aforementioned to Neutral Ports and Places, but also from one Place belonging to an Enemy to another Place belonging to an Enemy, whether they be under the jurisdiction of the same Power, or under several; unless such Ports or Places shall be actually blockaded, besieged, or invested.

And whereas it frequently happens that Vessels sail for a Port or Place belonging to an Enemy, without knowing that the same is either besieged, blockaded, or invested; it is agreed that every Vessel so circumstanced may be turned away from such Port or Place, but she shall not be detained, nor any part of her Cargo, if not Contraband, be confiscated, unless after notice she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she may think proper; nor shall any Vessel of either, that may have entered into such Port or Place before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such Place with her return Cargo; nor, if found therein after the reduction or surrender of such Place, shall such Vessel, or her Cargo, be liable to confiscation, but they shall be restored to the Owners or Proprietors thereof.

XXI. In order to regulate what is in future to be esteemed Contraband of War, it is agreed that under the said denomination shall be comprized gunpowder, saltpetre, petards, match, ball, bombs, grenades, carcasses, cartridge boxes, pikes, halberts, swords, belts, pistols, holsters, cavalry saddles and furniture, cannon, mortars, their carriages and beds, and, generally, all kinds of arms and instruments fit for the use of Troops.

All the above articles, whenever they are destined to the Port of an Enemy, are hereby declared to be Contraband, and just objects of

confiscation ; but the Vessel in which they are laden, and the residue of the Cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different Owner.

XXII. It is agreed, that, in all Cases where Vessels shall be captured or detained on just suspicion of having on board Enemy's property, or of carrying to the Enemy any of the articles which are Contraband of War, the said Vessels shall be brought to the nearest or most convenient Port of the Country to which the Captor belongs ; and if any property of an Enemy shall be found on board such Vessel, that part only which belongs to the Enemy, or which consists of articles Contraband of War, destined as aforesaid, shall be made Prize, and the Vessel shall be at liberty to proceed with the remainder without any impediment, and a reasonable freight shall be paid by the Captor on such property of the Enemy as shall be made Prize ; and it is agreed that all proper measures shall be taken to prevent delay in deciding the Cases of Ships or Cargoes so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the Masters or Owners of such Ship ; nevertheless, it is agreed that such effects and merchandises, even though the property of any Enemy, as were put on board before the Declaration of War, or — months after it, shall not be in any manner subject to confiscation, but shall be faithfully and specifically restored, to be carried to their place of destination : provided, notwithstanding, that, if such merchandises be Contraband, destined as aforesaid, it shall not be in anywise lawful to carry them afterwards to a Port belonging to an Enemy : and, also, that, if there shall be found on board the Vessel of an Enemy, captured by either Party or its Citizens, any property of the other Party or of its Citizens, the same shall not be confiscated, but freely restored to the Owners or Proprietors thereof.

XXIII. And that Captures on light suspicions may be avoided and injuries thence arising prevented, it is agreed, that in case either of the Parties should be engaged in War, the Ships and Vessels belonging to the Citizens of the other shall be furnished with Sea-letters or Passports, expressing the name, property, and bulk of the Ship, as also the name and place of habitation of the Master or Commander of the said Ship, that it may appear thereby that the Ship really and truly belongs to the Citizens of one of the Parties ; which Sea-letter or Passport shall be made out and granted according to the Form annexed to this Treaty : they shall likewise be renewed every year, that is, if the Vessel should return home within the space of a year. It is likewise agreed, that such Ships, being laden, are to be provided not only with Passports, as above-mentioned, but also with Certificates containing the several particulars of the Cargo, the Place

from whence the Vessel sailed and whither she was bound, that so it may be known whether she carries any of the Contraband Goods specified in the XXIst Article of this Treaty; which Certificates shall be made out in the accustomed form of the Country from whence the Vessel sailed; and neither Party shall require the exhibition of any Papers or Documents (the Sea-letter and Certificates aforementioned excepted) not required by the Laws or Usages of the Party to whose Citizens the Vessels and their Cargoes belong, nor in any other form than the Laws and Usages of such last-mentioned Party shall prescribe. And it is expressly stipulated and agreed, that when the quality of the Ship, Goods, and Master, sufficiently appear from the Passport and Certificates aforesaid, it shall not be lawful for the Commanders of armed Vessels to exact any further proof, under any pretext whatever; and that when any Merchant Ship shall not be provided with such Passport and Certificates, such case may be examined by a proper Judge or Tribunal; and if it shall be found from other Documents or Proofs that the Vessel truly belongs to the Citizens of one of the Parties, it shall not be confiscated, but shall be released with its Cargo, (Enemy's property and Contraband Goods, as aforesaid excepted,) and be permitted to proceed on its voyage.

If the Master of the Ship named in the Passport should happen to die, or be removed by any other cause, and another put in his place, the Ship and Goods laden thereon shall nevertheless be equally secure, and the Passport remain in full force.

XXIV. If the Ships of the Citizens of either of the Parties shall be met with, either sailing along the Coasts, or on the High Seas, by any Ships of War, or by any Privateers of the other, for the avoiding of any disorder, the said Ships of War or Privateers shall remain out of cannon-shot, and may send their boats on board the Merchant Ship which they shall so meet with, and may enter her to the number of 2 or 3 men only, to whom the Master or Commander of such Ship or Vessel shall exhibit his Passport concerning the property of the Ship, made out according to the Form annexed to this present Treaty, and also the Certificates aforesaid relative to the Cargo; and when the Master or Commander shall have exhibited such Passport and Certificates, and there shall not appear, among the articles of the said Cargo, Enemy's property, or any articles Contraband of War, then such Master or Commander shall be at liberty to pursue his voyage, so as it shall not be lawful to molest or search his Vessel in any manner, or to give her chase, or force her to quit her intended course: and it is expressly agreed, that the Neutral Party shall in no case be required to go on board the Examining Vessel for the purpose of exhibiting his Papers, or for any other examination whatever.

XXV. It is agreed that, in all cases where Vessels shall be captured or detained by reason of their having on board Enemy's property, or carrying to the Enemy any of the articles which are Contraband of War, the Captor shall give a Receipt for such of the Papers of the Vessel as he shall retain, which Receipt shall be annexed to a descriptive List of the said Papers, and the said Vessel shall be brought to the nearest and most convenient Port of the Country to which the Captor belongs; and it shall be unlawful to break up or open the hatches, chests, trunks, casks, bales, or vessels, found on board such Ship, or to remove even the smallest parcel of the Goods, unless the lading be brought on shore in the presence of the Officers of the Admiralty, and an Inventory made by them of the said Goods; nor shall it be lawful to sell, exchange, or alienate the same in any manner, unless after due and lawful process shall have been had against such Goods, and the Judge or Judges of the Admiralty respectively, shall by sentence pronounced, have confiscated the same, saving always, as well the Ship itself, as the other Goods found therein; and if, when only part of the Cargo shall consist of Contraband Goods, the Master of the Ship shall agree, consent, and offer to deliver them to the Captor who has discovered them, in such case, the Captor, having received those Goods as lawful Prize, shall forthwith release the Ship, and not hinder her, by any means, from prosecuting her voyage to the place of her destination.

XXVI. And that proper care may be taken of the Vessel and Cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the Master or Commander of any captured Vessel, or the Supercargo thereof, from on board the same, neither during the time that the Vessel may be at Sea after her Capture, nor pending the proceedings against her or her Cargo, or any part thereof. And in all cases where a Vessel of the Citizens of either Party shall be captured or seized, and held for adjudication, her Officers, Passengers, and Crew, shall be hospitably treated. They shall not be imprisoned, nor deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding, for the Captain, Supercargo, and Mate, 500 dollars each, and for the Sailors and Passengers, 100 dollars each.

XXVII. If it shall appear that the Captor bribed, or attempted to bribe, any of the Ship's Crew or Passengers to give any evidence, or make any declaration or disclosure whatever, respecting the Vessel, her lading, or destination, or make use of any kind of torture upon the Master of the Ship, the Crew, or others, who shall be on board the same; in such case, whatever grounds there might otherwise be for condemnation, the Ship and her lading shall, without delay, be acquitted, and restored, with cost and damages; and, also, such as shall be guilty of any of the said Crimes, as well as their Accomplices,

shall suffer the most severe punishment suitable to their offences; and, to insure the observance of this Article, provision shall be made by Law, in each Country, to carry the same into full effect.

XXVIII. It is further agreed, that all Prizes shall be conducted to a Port of the Party at War; and, in all cases, the established Courts for Prize Causes, in the Country to which the Prizes may be conducted, shall alone take cognizance of them; and, whenever such Tribunal or Court of either of the Parties shall pronounce sentence against any Vessel, or goods, or property, claimed by the Citizens of the other Party, the reasons or motives of such Judgment shall be entered in the Sentence or Decree, and a duly authenticated Copy of all the proceedings in the Cause, and of the said Sentence, shall, if required, be delivered to the Commander or Agent of the said Vessel, without the smallest delay, he paying all legal fees and demands for the same.

XXIX. When process shall be moved in the first or second instance, between those that have taken the Prizes at Sea and the Persons interested therein, and the said interested Persons shall come to obtain a favorable Judgment or Decree, the said Judgment or Decree shall have its execution upon security given, notwithstanding the appeal of him that took the Prize: but the same shall not hold, on the contrary, where the sentence goes against the Claimers.

XXX. The Merchant Ships belonging to the Citizens of either of the 2 Contracting Parties, which intend to go to a Port at enmity with the other, concerning whose voyage and the sort of goods on board there may be just cause of suspicion, shall be obliged to exhibit, as well on the High Seas as in the Ports and Havens, not only their Passports, but also their Certificates, expressing that the goods are not of the kind which are Contraband, as specified in the XXIst Article of this Treaty.

XXXI. And, that more abundant care may be taken for the security of the respective Citizens of the Contracting Parties, and to prevent their suffering injuries by the Men of War or Privateers of either Party, all Commanders of Ships of War and Privateers, and all others the said Citizens, shall forbear doing any damage to those of the other Party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all Commanders of Privateers, before they receive their Commissions, shall hereafter be obliged to give, before a competent Judge, sufficient security, by at least 2 responsible Sureties, who have no interest in the said Privateer; each of whom, together with the said Commander, shall be jointly and severally bound in the sum of ——— dollars, or ——— francs, or, if such Ship be provided with

above 150 Seamen or Soldiers, in the sum of ——— dollars, or ——— francs, to satisfy all damages and injuries which the said Privateer, or her Officers or Men, or any of them, may do or commit during their Cruise, contrary to the tenor of this Treaty, or to the Laws and Instructions for regulating their conduct; and, further, that in all cases of aggressions the said Commissions shall be revoked and annulled.

XXXII. It shall not be lawful for any Foreign Privateers, who have Commissions from any other Prince or State in enmity with either Nation, to arm their Ships in the Ports of either of the said Parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest Port of that Prince or State from whom they obtained their Commissions.

XXXIII. It is further agreed, that both the said Contracting Parties shall not only refuse to receive any Pirates into any of their Ports, Havens, or Towns, or permit any of their Inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such Inhabitants as shall be guilty of such acts or offences.

And all their Ships, with the goods or merchandises taken by them and brought into the Port of either of the said Parties, shall be seized as far as they can be discovered, and shall be restored to the Owners, or their Factors or Agents, duly deputed and authorized in writing by them, (proper evidence being first given in the Court of Admiralty for proving the property,) even in case such effects should have passed into other hands by sale, if it be proved that the Buyers knew, or had good reason to believe or suspect, that they had been piratically taken.

XXXIV. Neither Party will intermeddle in the Fisheries on the Coasts of the other, nor disturb the other in the exercise of the rights which it now holds, or may acquire, of Fishing on the Banks of Newfoundland, in the Gulf of St. Lawrence, or elsewhere, or the American Coast, northward of The United States of America; but the Whale and Seal Fisheries shall be free to both in every quarter of the World.

XXXV. It shall be free for the 2 Contracting Parties, respectively, to appoint Consuls for the protection of trade, to reside in the Dominions and Territories of each Party. Either of the Parties may except from the residence of Consuls such particular Places as such Party shall judge proper to be excepted.

Before any Consul shall act as such, he shall be, in the usual forms, approved and admitted by the Party to whose Territories he is sent; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function: and it is agreed that the admission of a Consul by the Government of a Colony shall be deemed

such a provisional admission as to entitle him to act as such, until the will of the Government to which such Colony belongs shall be formally made known.

And it is hereby declared to be lawful and proper, that, in case of illegal or improper conduct towards the Laws or Government, a Consul may be either punished according to Law, or dismissed, and even sent back, the offended Government assigning to the other their reason for the same.

XXXVI. It is agreed that the first 12 Articles of this Treaty shall be permanent, and that the subsequent Articles shall be limited to 12 years, to be computed from the day on which the Ratifications of this Treaty shall be exchanged.

Nothing in this Treaty shall be construed to operate contrary to former and existing Public Treaties with other Sovereigns or States.

No. 23.—The American Plenipotentiaries to the Secretary of State.
(Extract.) *Paris, 17th May, 1800.*

OUR success is yet doubtful. The French think it hard to indemnify for violating engagements, unless they can thereby be restored to the benefits of them.

Very few American Vessels have been brought into European Ports since our arrival at Paris, and for sometime past we have heard of none. We know not, however, of any Orders of this Government for the restraining of captures, except such as may have been the consequence of the enclosed Law, repealing that of the 29th Nivose. Prisoners have been generally released, on a receipt being given by the American Agents, promising the discharge of as many French Seamen from confinement in The United States. The Court lately established for deciding Questions of Prizes, administratively, as it is called, and before which there are many American Appeals, has not yet made any Decisions.

We enclose also the Copy of the Law repealing the first Article of the Law of the 29th Nivose, and the Arrêt of the Consuls respecting their new Court, called "Le Conseil des Prises."

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

The Hon. Timothy Pickering.

P. S. Since closing this Letter, we have heard of the capture of the Brig *Eliza*, of Norfolk, Evans, Master, taken by a French Privateer, and carried into St. Andero.

No. 24.—The American Plenipotentiaries to the French Plenipotentiaries.

Paris, 19th May, 1800.

THE Envoys Extraordinary of The United States have the pleasure to acknowledge the receipt of the 2 Acts of the French Government mentioned in the Postscript of the Note of the Ministers of the Republic. These Papers have been forwarded to the Government of The United States, who, as late as the 7th of March, had received no advices respecting the Acts or Measures of the present Government of France.

They request the Ministers, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 25.—Extract from the Journal of the American Plenipotentiaries.

Paris, 23rd May, 1800.

THE French Ministers had frequently mentioned in conversation, the insuperable repugnance of their Government to yield its claim to the anteriority assured to it in the Treaty of Amity and Commerce of 1778; urging the equivalent alleged to be accorded by France for this stipulation, the meritorious ground on which they generally represented the Treaty stood; denying strenuously the power of the American Government to annul the Treaties by a simple Legislative Act; and always concluding, that it was perfectly incompatible with the honor and dignity of France to assent to the extinction of a right in favor of an Enemy, and much more so to appear to acquiesce in the establishment of that right in favor of Great Britain. The priority with respect to the right of Asylum for Privateers and Prizes was the only point in the old Treaty on which they had anxiously insisted, and which they agreed could not be as well provided for by a new stipulation.

They had, however, transmitted no Answer to the Note of the Envoys, covering the remaining part of the Project of a Treaty; and only indirect intimations had been received, that difficulties had arisen from the limited nature of the Instructions of the French Ministers. But, at an interview to-day, the Envoys were officially informed that the Negotiation was at a stand on the part of France: that no further progress could be made until other Powers* were procured from the Premier Consul; as the tenor of their Instructions made the acknowledgment of former Treaties the basis of Negotiation and the condition of compensation. That the French Commission was working upon a Report which would be delivered in day or two to the Minister of Ex-

* Speaking on this subject the French Ministers always used the words "Powers" and "Instructions" synonymously.

terior Relations, and forwarded immediately by a Courier to the Premier Consul, who had left Paris the 6th of May, and was supposed to be at this time in Switzerland or Italy.

Paris, 24th May, 1800.

The Envoys held a Conference to-day for the purpose of taking into consideration the information received yesterday, and the critical state of the Negotiation; and, considering that the judgment of the Premier Consul would probably be formed upon the impressions made by the Report; that the Instructions which would be the result might possibly be conclusive; and that, in any event, there might be some difficulty, and certainly delay, in procuring any alteration; it was deemed expedient to transmit the Note following, under date of the 25th, with a view to obviate any apprehension that our Government contemplated further grants to their prejudice, and as containing an intermediate ground, conciliatory to the pride of the French Government, without sacrificing the honor or interests of The United States.

O. ELLSWORTH.
WILLIAM R. DAVIE.
WILLIAM V. MURRAY.

No. 26.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZEN MINISTERS,

Paris, 25th May, 1800.

THE Undersigned, having bestowed the most mature consideration upon the subject so often mentioned with so much interest by the Ministers of the French Republic, and being desirous of guarding against any misapprehension on that head, have thought it expedient to propose the Clause enclosed as an addition to the XXXIId Article of their Project of a Treaty.

Accept, &c.

O. ELLSWORTH.
WILLIAM R. DAVIE.
WILLIAM V. MURRAY.

Messrs. Bonaparte, Fleurien, and Roderer.

(Enclosure.) Clause proposed to be added to the XXXIId Article.

Nor will either of the said Parties, while they continue in amity, make a Treaty with any Foreign Sovereign or State, stipulating for the Privateers and Prizes of such Sovereign or State an asylum in the Ports of either, unless they shall have assured to each other such right of asylum for the Privateers and Prizes of each in the Ports of the other.

No. 27.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZENS MINISTERS,

Paris, 1st June, 1800.

SOLICITIOUS as are the Undersigned to terminate happily and with promptitude a Negotiation which is calculated to promote the interests of the 2 Nations, they beg leave to invite your attention to their 2 last Notes of the 8th and 25th of May. They trust that, while they avow a strong disposition to hasten the great object in view, they will not be charged with impatience. The frank development of their views will have been properly estimated.

Accept, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 28.—The French Plenipotentiaries to the American Plenipotentiaries.

(Translation.)

Paris, 16th Prairial, Year 8.

THE Undersigned, Ministers of the French Republic, participate in all the earnestness which the Ministers Plenipotentiary and Envoys Extraordinary of The United States have manifested in their Note of the 12th of this Month, to terminate promptly and favorably the Negotiation entrusted to their respective cares. The French Ministers, in informing the American Ministers of the reception of their Note of the 18th of Floreal last, have had the honor to announce to them that the examination of its contents would produce some delay. This Note has been the object of the most serious attention on their part, and, after a mature deliberation, it has appeared to them that the propositions which it contains are of such a nature that they ought to be submitted to the decision of the Government of the French Republic. The Ministers Plenipotentiary have in consequence submitted this Note to the Minister of Exterior Relations. That Minister has informed us, that he must take the Orders of the Premier Consul of the Republic. As soon as the Undersigned shall have received the Instructions which they expect, they will hasten to send an Answer to the Ministers Plenipotentiary and Envoys Extraordinary of The United States.

The Undersigned pray, &c.

J. BONAPARTE.

FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

No. 29.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZENS MINISTERS,

Paris, 6th July, 1800.

PRESUMING, as the Undersigned Envoys Extraordinary and Ministers [1817—18.]

ters Plenipotentiary of The United States do, that you are now acquainted with the ulterior views of your Government respecting the Negotiation between The United States and the French Republic, they request the honor of a Conference on that subject, at such time and place as may be most convenient for you. They trust that the unfortunate delays which have hitherto attended the business will justify their hopes of bringing it to a speedy issue.

Accept, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 30.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZENS MINISTERS,

Paris, 23rd July, 1800.

THE ENVOYS of The United States being apprehensive lest, possibly, their verbal remarks to the Ministers of the French Republic, in the 2 last Conferences, which led to and accompanied their written Proposition, may not have been fully comprehended, from being expressed in a language imperfectly understood, they have thought proper to reduce the substance to writing.

As to the proposition of placing France, with respect to an asylum for Privateers and Prizes, upon the footing of equality with Great Britain :

It was remarked that the right which had accrued to Great Britain in that respect, was that of an asylum for her own Privateers and Prizes, to the exclusion of her Enemies; wherefore, it was physically impossible that her Enemies should at the same time have a similar right.

With regard to the observation that, by the terms of the British Treaty, the rights of France were reserved, and therefore the rights of Great Britain existed with such limitation as would admit of both Nations being placed on a footing which should be equal :

It was observed by the Envoys of The United States, that the saving in the British Treaty was only of the rights of France resulting from her then existing Treaty; and that that Treaty having ceased to exist, the saving necessarily ceased also, and the rights which before that event were only contingent, immediately attached, and became operative.

With respect to the supposition that the Treaties with France still continued to exist :

It was remarked that, a Treaty being a mutual Compact, a palpable violation of it by one Party did, by the Law of Nature and of Nations, leave it optional with the other to renounce, and declare the same to be no longer obligatory; and that of necessity, there being no common

Tribunal to which they could appeal, the remaining Party must decide whether there had been such violation on the other part as to justify its renunciation. For a wrong decision it would doubtless be responsible to the injured Party, and might give cause for War; but, even in such case, its act of public renunciation, being an act within its competence, would not be a void, but a valid act, and other Nations, whose rights might thereby be beneficially affected, would so regard it.

That it had become impossible for The United States to save their commerce from the depredations of French Cruisers, but by resorting to defensive measures; and that, as, by their Constitution, existing Treaties were the Supreme Law of the land, and the Judicial Department, who must be governed by them, is not under the control of the Executive or Legislative, it was also impossible for them to legalize defensive measures, incompatible with the French Treaties, while they continued to exist. Then it was that they were formally renounced, and from that renunciation there resulted necessarily a priority in favor of the British Treaty, as to an exclusive asylum for Privateers and Prizes. A right indeed which she has made little use of, and with respect to which it would be un consequential, during the remainder of the present War, whether she or France possessed it: but, as it was a vested right, neither the Government of The United States, nor their Ministers could, with good faith, stipulate to France a right inconsistent with it.

To the still further suggestion, that the Laws of Nations admitted of a dissolution of Treaties only by mutual consent, or War:

It was remarked by the Undersigned, that their conviction was clearly otherwise; and that Vattel, in particular, the best approved of modern Writers, not only held that a Treaty violated by one Party might for that reason be renounced by the other, but that, where there were 2 Treaties between the same Parties, one might be rendered void in that way, and the other remain in force; whereas, when War dissolves, it dissolves all Treaties between the Parties at the time.

It appearing, however, to be the ultimate opinion of the Ministers of the French Republic, that it did not comport with the honor of France to be deprived of that right, and at the same time to be called upon for compensation; the Undersigned, solicitous for the honor of France, as well as that of America, devised, and offered as their last effort, the written Proposition above alluded to, and which, it was conceived, did essentially remove the difficulty. Its object was to suspend the payment of Compensation, a consideration of much weight in the estimate of The United States, until France could be put into complete possession of the privileges she contended for, and at the same time to give that security which a great pecuniary pledge would amount to, for her having the privilege, as soon as it could be given

with good faith, which might perhaps be in a little more than 2 years, and at any rate within 7.

Accept, &c.

O. ELISWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 31.—The French Plenipotentiaries to the American Plenipotentiaries.

(Translation.)

Paris, 8th Thermidor, Year 8.

THE Ministers Plenipotentiary of the French Republic have received the Note of the 23rd of July, 1800, (4th Thermidor, 8th year,) which the Envoys Extraordinary and Ministers Plenipotentiary of the United States of America have taken the pains to address to them.

This Note has 2 objects:

The first is to resume the Answers, which have been made by the Ministers Plenipotentiary of The United States, to certain reflections presented to them by the Ministers Plenipotentiary of France, in 2 anterior Conferences, on the subject of the right of asylum in the Ports of The United States and of France, which had been reciprocally and exclusively assured to the Privateers of each of the 2 Nations, for their Ships and Prizes, by the Treaty of 1778, a right which the Ministers Plenipotentiary of The United States have pretended to be abrogated between France and The United States, and established, to the prejudice of France, between The United States and England.

The second object of the Note is to explain the motives of the Proposition made by the American Ministers in the last Conference, and tending to stipulate that the Indemnities which should be due to The United States should not be paid until The United States should have offered to the French Republic an Article stipulating the free admission in the Ports of each of the 2 States, of the Privateers and Prizes of the 2 Parties, to the exclusion of their Enemies, and likewise that this Indemnity should not be paid unless such Article should be offered in 7 years. This Article to have the same effect in point of priority as a similar stipulation had in the Treaty of 1778.

Relative to the first object, the French Ministers are obliged to repeat that, their Instructions being grounded on the perfect acknowledgment of ancient Treaties, it is impossible to subscribe to the annihilation of a privilege assured by the Treaty of 1778 to the Privateers of each of the 2 Nations in the Ports of the other, and, above all, to the establishment of this privilege in the mutual relations of The United States and Great Britain.

But, convinced that the true interest of France is strictly connected with the prosperity of The United States, and the prosperity

of The United States with their perfect Independence; convinced that the exclusive right, granted by one Nation to the Privateers of another, to bring their Prizes into their Ports, is of a nature to compromise its tranquillity, and by that its Independence, either because in a number of cases it will give just cause of complaint, or at least of umbrage, to the Powers upon whom such Prizes are made; they hasten to repeat, at the same time, to the American Ministers, that, in case of a reconciliation, they will make it a duty to insist with their Government upon the proposition which they have already made, to abolish all exclusive right of entry in their respective Ports, for the Privateers of the 2 Nations with their Prizes, and to reduce themselves, for them, to the right of bringing in their Prizes in concurrence with the most favored Nation. They believe that the French Government would be honored by the sacrifice of a privilege which can be prejudicial to its Ally: but that it would be disgraced in depriving itself of it, to the advantage of its Enemy, and without advantage to the American Independence.

The French Ministers do not find, in the Note of the 23rd July, 1800, any reason to determine them to consider the Treaties made between France and The United States as broken.

The Act of Congress of the 9th of July, 1798, is the Declaration of one Party: but the Treaty, being the work of 2, one alone cannot destroy, otherwise than by War and Victory, that which is the engagement of 2.

When Congress declares, on one side, that France has contravened the Treaties, and that they are exonerated from them; and when, on the other, the French Government declares that it has conformed to the Treaties, that The United States have alone infringed them, and it wills their execution; where is the Law, where is the Tribunal, which authorizes the exoneration,—rather the execution?

While there is a dispute between 2 Contracting Parties respecting the existence or annihilation of a Treaty, there cannot result from the annihilation pretended by one of the Parties any right to the advantage of a third.

If France had declared a Treaty null, and The United States had maintained that it was entire, England could not have been authorized to say to America, I enter upon the rights of France. This is beyond doubt. The declaration of a rupture made by one Party does not operate a rupture.

These observations are conformable to the doctrine of all Publicists.

The opinion of Vattel cannot be understood but of the nullity in Law, and not of the nullity in fact; and it is the nullity in fact which can alone give an opening to the rights of a third Party for anteriority.

These observations likewise flow from the nature of things. If it is free to one Contracting Party to disengage itself when it pleases, in virtue of its own proper judgment, upon facts, upon men, upon things, there is no more obligation attached to Treaties; the word ought to be erased from all languages. If a right of anteriority can be destroyed, to the prejudice of a Nation who possesses it, by the sole act of the Party who has recognized it, and if, by this sole act, the right passes to a third Party, it must be recognized as a principle, that a Nation who makes a second Treaty raises an Enemy to her with whom she has made a first, and that she assures the spoil to this Enemy the moment she has a mind to act in concert with her.

The Ministers Plenipotentiary of the French Republic will not push further their observations. Those which they have repeated suffice to establish the rights of France, and to her the honor of a sacrifice, which she would make in renouncing the exclusive right of entry in the Ports of America, for the French Privateers accompanied with their Prizes.

Passing to the second object of the Note, the French Ministers observe, that the Proposition of the American Ministers offers to the Republic at a distant time the hope of exclusive advantages, of which they think she ought not to be jealous, and for the present, and perhaps for 7 successive years, a humiliating forfeiture of these rights, and a shameful inferiority with regard to a State, over which she had acquired these privileges, by the services she had rendered to America, when it made War with such State. When the Ministers of France can subscribe to a condition unworthy the French Nation, the price which they would put upon their humiliation would not be the continuance of a subjection, which they consider to be contrary to the interest of The United States.

The dependence of her Ally cannot be for her an indemnity for a National suffering. The French Ministers, believing it to be their duty to insist with their Government upon the immediate renunciation of a privilege well acquired, it would be contradictory that they should provide for its return at a distant time.

They have the honor, &c.

J. BONAPARTE.
FLEURIEU.
ROEDERER.

Messrs. Ellsworth, Davie, and Murray.

No. 32.—The French Plenipotentiaries to the American Plenipotentiaries.

(Translation.)

Paris, 23rd Thermidor, Year 8.

THE Ministers Plenipotentiary of the French Republic have received from their Government the new Instructions, for which they thought they were obliged to ask, when they learned, by the unexpected

Note of the Ministers Plenipotentiary of America, that The United States held their Treaties with France annulled; and that it was impossible for them to recognize them with the advantages attached to their date. The French Ministers hasten to present to the American Ministers the reflections and propositions which the present state of the Negotiation appears to them to require.

In the first place, they will insist upon the principle already laid down in their former Note, viz : that the Treaties which united France and The United States are not broken ; that even War could not have broken them : but that the state of misunderstanding which has existed for some time between France and The United States, by the act of some Agents, rather than by the will of the respective Governments, has not been a state of War, at least on the side of France.

If the reflections presented on this subject in the Note of the French Ministers, of the 8th of the present month, suffice to lead the Ministers of The United States to the acknowledgment of the Treaties, the first consequence which will result from them, and which the Ministers of France will be eager to recognize anew, is, that the Parties on both sides ought to be compensated for the damages which have been mutually caused by their misunderstanding. The ancient Treaties being maintained in their integrity and anteriority, it will be just and expedient to terminate, even in remembrance, altercations which have arisen in the course of relations which they have established.

Thus, the First Proposition of the Ministers of France is to stipulate a full and entire recognition of the Treaties, and the reciprocal engagement of compensation for damages resulting on both sides from their infraction. If the American Ministers should continue to think it is impossible for them to acknowledge the Treaties with the advantage of their date ; if it should be proved that France unseasonably flattered herself with a friendship not interrupted with The United States; that uselessly, she would consecrate her fidelity in subscribing to repair the infractions committed by some Agents and Corsairs ; the French Government would consent to the abolition of the Treaties with so much the less repugnance, as the Ministers of America appear to regard some dispositions of them as not compatible with the perfect independence of The United States. Such is that of which they speak in the Note of the 18th Floreal, (8th May,) when they express the desire to reduce the Privateers of Foreign Nations to simple hospitality in The United States, in order to free their commerce from all restraint, and their policy from all relation with the interests and passions of the Belligerent Powers.

The French Government is convinced that the most perfect Independence is necessary to The United States, to raise them to their high destinies ; and it would willingly make a sacrifice of advantages

which might compromise that independence, however well they may be acquired, with whatever reciprocity, and with whatever services they may have been purchased.

In consequence, they declare that the reclamation of Treaties, and the offer to repair their execution, if it had taken place,—a reclamation dictated wholly by a scrupulous fidelity to engagements, advantageous besides to The United States,—would easily give place to views conformable to the interest of the independence and security which employs them. They declare, particularly, that France would not refuse to give up the exclusive privilege which their Privateers enjoyed for the introduction of their Prizes into the Ports of The United States. At all times, the Ministers of France, in acquiescing in the annihilation of Treaties, cannot conceal that the Act by which The United States have declared their nullity has been a just provocation of War; that the hostile acts which have followed this provocation, those which have been multiplied with so much éclat, even since the French Government had caused every pretext of complaint on the part of The United States to cease, have been War itself: that France disguised the true state of her relations with The United States, when she recognized them as a simple, temporary, and reparable misunderstanding. In a word, that a new Treaty between France and The United States ought, before all, to be a Treaty of Peace: from this observation, therefore, it appears to them that the 2 Governments should no longer occupy themselves with their respective accounts, considering that the right of War dispenses with repairing its ravages, and that the honor of national arms forbids even to be employed about them, since that State which should have a balance to pay to the other, in discharging it should acknowledge a Conqueror, and would purchase peace.

Finally, it ought well to be understood, that, in acquiescing in the abolition of the Treaties, the French Government would mean to renounce only a privilege which they secured to France, and that it will never consent to be placed on a line inferior to that of any other Power, in their relations to The United States. It would renounce, without pain, the exclusive advantages which it possessed, but cannot consent that others should exercise them to its prejudice. It would abdicate, without regret, a right which it had acquired, but will never acknowledge that of another, founded on the ruin of its own. That which it owes to its dignity, it owes, and even wishes it for the prosperity of The United States. If The United States relieve themselves from obligations, which perhaps bore heavily on their independence, this ought to be to establish it more perfect than ever, and not to bend it down in an opposite direction.

The Second Proposition of the Ministers of France, in case that which precedes should not be accepted, would then be the abolition of

ancient Treaties—the formation of a new Treaty, in which the French, Nation, laying aside a privilege disagreeable to The United States would treat for its political and commercial relations, as the most favored Nation, and in which there would be no demand of compensation.

Thus, the Propositions which the French Ministers have the honor to communicate to the Ministers Plenipotentiary of The United States, are reduced to this simple alternative :

Either the ancient Treaties, with the privileges resulting from priority, and the stipulation of reciprocal indemnities ;

Or a new Treaty, assuring equality without indemnity.

The American Ministers will recognize, without doubt, in this double overture, and in the exposition of the motives which produce it, the desire which the French Government has to terminate the Negotiation in a manner satisfactory to The United States.

The Ministers of France have the honor to assure, &c.

J. BONAPARTE.

FLEURIEU.

ROEDERER.

Messrs. Ellsworth, Davie, and Murray.

No. 33.—*Extracts from the Journal of the American Plenipotentiaries.*
Paris, 7th July, 1800.

THE next day, the American Ministers were invited to dine on the 11th with the President of the French Commission, and as no Answer had been received to the Note of the 6th, it was agreed that the 11th should be considered by them as the time appointed for the Conference ; the object of which, on their part, was to ascertain the difficulties which seemed to have arrested all progress on the part of the French Ministers ; to designate, with more precision, the real grounds of difference, and, if possible, to adopt some arrangement that would accelerate the Negotiation.

On the 11th, before dinner, M. Bonaparte informed them that the whole business of the Treaty was now under the consideration of the Premier Consul ; and that his Decision and Instructions were expected in the course of a few days, when the Notes and Propositions received would be immediately answered. The American Ministers repeated their regret at the long delay which had taken place ; and, upon their expressing a desire that a Conference should be held that evening, the French Ministers readily consented.

After the objects of requesting an interview were stated, the President of the French Commission said they would frankly state the difficulties which had arisen with their Government. Although they had not received, officially, its determination or Instructions, they believed they were possessed of its present sentiments and opinions, and could not avoid adding that they accorded with those of the Commission.

He then declared that it was the decided opinion of the Premier Consul that the ancient Treaties ought to be the basis of Negotiation ; that compensation could only be a consequence of the existence of the Treaties, and the re-establishment under them of the former privileges and relations ; and that he would never consent to make a Treaty which would surrender the exclusive rights of France, in effect, in favor of an Enemy, or, in any event, make a Treaty with The United States which would not place France on a footing of equality, at least, with Great Britain. He thought it would be derogatory to the present Government to make a Treaty less advantageous, and less honorable, than that made by the Royal Government.

Discussions of some length took place on the most important points ; but, as the whole business, on the part of the French Ministers, was under reference to their Government, no point could, of course, be settled ; and the Conference closed with the request of the French Ministers, that all they had said should be considered merely as confidential.

After several deliberations on the difficulties which had now completely arrested the progress of the Negotiation, and the selection of some expedient which might remove them, the American Ministers, at length, determined to request an early interview, and make a proposal, to the effect that the payment of the Indemnities should be suspended until the Government of The United States should have offered to France, Articles re-establishing her in the exclusive privileges she claimed under the Treaty of 1778.

It was considered that the American Government might, or might not, perform this condition, after a farther view of the political state of Europe, and the possession of more ample means to estimate a promise of indemnity. It was also clearly perceived that, unless the Indemnities were secured, by some means, under the present Negotiation, they would be for ever lost.

Paris, 15th July, 1800.

At an interview to-day with the French Ministers, the following Proposition was delivered to them in writing :

Indemnities to be ascertained and secured in the manner proposed in our Project of a Treaty ; but not to be paid until The United States shall have offered to France an Article stipulating free admission, in the Ports of each, for the Privateers and Prizes of the other, and the exclusion of those of their Enemies ; nor unless the Article be offered within 7 years ; such Article to have the same effect, in point of priority, as a similar Provision had in the Treaty of 1778.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

*No. 34.—Extract from the Journal of the American Plenipotentiaries.**Paris, 15th August, 1800.*

AN interview took place with the French Ministers on the subject of their Note of the 23rd Thermidor, for the purpose of ascertaining, with more precision, their views on some Points which were supposed to be covered under the general terms of their Note.

The Conference was opened, on the part of the American Ministers in a manner which they supposed would entitle them to the utmost candor and frankness. The French Ministers were, however, extremely reserved, answering with great caution to every inquiry in the general terms of their Note; the result of the Conference was, of course, little satisfactory to the American Ministers, who were consequently obliged to consider the French Note in the general terms of its text. It now became necessary to decide whether the Negotiation should be broken off, or the Instructions departed from; whether the Treaties should be revived, or the Indemnities sacrificed; and, if the Treaties were revived, whether, after considering the text of the French Note, and the obstinacy with which the Ministers adhered to it, an attempt should be made to effect a modification that might enable our Government to extinguish the exclusive privileges of France under the Treaty of Amity and Commerce, as well as her Claims under the Treaty of Alliance. The following Note became the result of several deliberations and discussions on these points, and was sent to the French Ministers on the 20th August.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

No. 35.—The American Plenipotentiaries to the Secretary of State.

SIR,

Paris, 15th August, 1800.

HAVING ascertained, by an interview with the French Ministers, soon after our Note to them of the 8th of May, (a Copy of which you have doubtless received,) that, as we refused to assume the former Treaties, they could proceed no further without new Instructions; and that a Report on the state of the Negotiation was preparing for the Minister of Exterior Relations, and ultimately for the Premier Consul, we judged it expedient, in order to obviate an apprehension that our Government contemplated further grants to the prejudice of France, and to diminish the hazard of sending off the business to the Premier Consul, then with the Army in Switzerland, who, in a moment of agitation, might pronounce definitively upon it, to propose the following Clause as an addition to the XXXIInd Article of our Project, viz.: Nor will either of the said Parties, while they continue in amity, make a Treaty with any Foreign Sovereign or State, stipulating, for the

Privateers and Prizes of such Sovereign or State, an asylum in the Ports of either, unless they shall have assured to each other such right of asylum for the Privateers and Prizes of each in the Ports of the other. And it was accordingly sent with the Note marked A.

Embarrassing as the delay for new Instructions was foreseen to be, it was, nevertheless, deemed inexpedient, in the then critical state of European affairs, to treat it as a studied delay.

On the 1st of June we addressed the Note marked B, and, on the 5th, received an Answer, marked C. Soon after the Premier's return from Italy, the Note marked D was sent.

The requested interview took place on the 11th of July, and, although the French Ministers declared that they had not received further Instructions, yet, as they expressed a willingness to converse upon the subject, a conversation was entered upon, which had for its object to ascertain with more precision the grounds of difference between us. Their observations led to, and finally terminated in, this position, that, to be deprived of her former privileges in the Ports of The United States, and that too in favor of an Enemy, and, at the same time, to be called upon for compensation, was derogatory to the honor of France.

At a further interview on the 15th of July, we brought forward, in order to remove what seemed to be the difficulty at the interview on the 11th of July, a written Proposal to suspend the actual payment of Indemnities, on the condition of replacing France in the privileges she contended for; a condition which our Government might or might not perform, after it should have further seen the political state of Europe, and also been better able to estimate a promise of indemnity.

The Proposition was as follows, viz.

Indemnities to be ascertained and secured in the manner proposed in our Project of a Treaty, but not to be paid until The United States shall have offered to France an Article stipulating free admission, in the Ports of each, for the Privateers and Prizes of the other, to the exclusion of their Enemies, nor unless the Article shall be offered within 7 years. Such Article to have the same effect, in point of priority, as a similar provision had in the Treaty of 1778.

An immediate reply to the Proposition was not pressed or wished; there was no difficulty, however, in perceiving that the impression was not perfectly satisfactory.

On the 23rd of July, the Note was sent, marked E, which throws some further light on the 2 preceding Conferences.

On the 27th of July, the Note marked F was received. To this no Answer was returned, as it had become useless to pursue the subject of it.

The Note marked G, purporting to be predicated on the new In-

structions, was received the 11th of August. This Note is now under consideration, and will not be formally answered until there has been an interview, to ascertain some points.

It has, however, become manifest that the Negotiation must be abandoned, or our Instructions deviated from. Should the latter be ventured upon, which, from present appearances, is not improbable, the deviation will be no greater than a change of circumstances may be presumed to justify.

The success of the French in Italy produced an Armistice, and has since opened, with the Emperor, a Negotiation for Peace, which is yet pending. The result is daily and anxiously expected.

Captain McNiell, with the *Portsmouth*, arrived safe at Havre, the 23rd of May, where he yet remains. The Despatches sent by him were duly received.

We have the honor, &c.

OLIVER ELLSWORTH,

W. R. DAVIE.

The Hon. Timothy Pickering

W. V. MURRAY.

No. 36.—*The American Plenipotentiaries to the French Plenipotentiaries.*

CITIZENS MINISTERS,

Paris, 20th August, 1800.

THE Undersigned Ministers have been honored with your Note of the 23rd Thermidor.

It adds to the regret occasioned by 3 months' delay for further Instructions, that they confirm the obstacles which had brought the Negotiation to a stand.

To abandon Indemnities would be illy to select the means of restoring France to the confidence of a Nation too long accustomed to revere and practice justice ever to forget its demands. Nor could America ever conceive that protecting from depredations her property which remains, had impaired a claim for that of which she has been despoiled. More difficult still of comprehension would it be, that she had aggressed by declaring the truth; for doubtless declaring that the Treaties ceased to bind her, which the other Party had long and greatly infringed, was no more. If, however, that declaration, as necessary for judicial purposes as it was conformable to truth, had amounted to a cause of War; yet, as the wisdom of France reconciled it to Peace, its application on the principle of War to the extinguishment of Claims would be inexplicable. And even as to War itself, though it does by its rights, or rather by its usages, enforced against weaker Powers, merge the injuries it operates, it does not cancel obligations prior to its existence. If War had actually commenced when it is suggested there was cause given, still how could its rights be seen to extinguish the Claims of America; as the mass of her sufferings was at a time when her conduct towards France was remarkable for nothing but the

patience with which she endured, and the moderation with which she sought to remove, them.

If, in applying the principle, or exercising the natural right of self-defence, in a state of things now mutually and equally lamented, certain events have taken place, which might be regretted when considered in connexion with their cause; if these events have been attended with a sensation which the French Ministers are pleased to term "*éclat*," they will have candor enough to admit that this sensibility was natural among Men sore by repeated losses, and Citizens who had thought their Country degraded by her patience and long suffering. A mutual stipulation, however, of restoration or indemnity, will save the honor of both Nations, and efface with the hand of justice every irritating remembrance.

It is but proper here to remark, that, if the action, or the notice of it, to which the French Ministers Plenipotentiary have particularly alluded, be taken in connexion with dates and distances, the American Government cannot be charged with neglecting to avail itself of conciliatory measures.

In a word, while nothing would be more grateful to America than to acquit herself of any just claims of France, nothing could be more vain than an attempt to discover to her, reasons for the rejection of her own.

It is time for the 2 Nations to return from a state of things difficult to name, and more difficult to account for, to the correcter views of 1778; to the confidence inspired by co-operating for an object equally interesting to both; to that spirit which disavowed the idea of founding pretensions on exertions; and, finally, to that friendship which knew not the alloy of purchase.

Too much concerned with that epoch not to recollect its professions, and too confident in the wisdom of those professions to despair of their fruits, the American Ministers have persevered in efforts for a reconciliation. To remove obstacles interposed, they have developed their views and their doubts with more frankness than effect; to go further, they must take on themselves a high responsibility.

If then the dignity of one Party cannot be satisfied without the recognition of former Treaties, still less can the interests of the other dispense with a re-modification of them.

The XVIIth Article of the Commercial Treaty, which stipulated an exclusive admission for the Privateers and Prizes of each in the Ports of the other, was but nominally reciprocal; not only because America would seldom be at War, but, also, by reason of the prior engagements of France under the Treaty of Utrecht, then in force, and since renewed. The real reciprocity of that Article was to be sought for in another, which made free Goods in free Ships—a stipulation greatly beneficial for The United States, could they have enjoyed

it. This stipulation, however, proved inconvenient to France, as appeared from her defeating the use of it so early in the present War, and for that reason, the Undersigned Ministers, in their Project of a Treaty, proposed to give it up; trusting that it would be deemed a full equivalent for abandoning, on the part of France, the first mentioned privilege stipulated to her.

The American Ministers have shewn, in their Note of the 8th May, that the free admission of Privateers is inconvenient to The United States, and the Ministers Plenipotentiary of France have reasoned in a Note of the 8th Thermidor, and assumed in others, that an exclusive admission of those of one Nation compromises their independence. France then will not insist on that privilege for herself, exclusively and forever. She will not embarrass that progress to greatness, which, with so much reason, and so much solicitude, she seeks to cherish; nor, least of all, compromise the independence she guaranties. Doubtless, upon a review of this claim, her Ministers will be satisfied with the footing of the most favored Nation; and as to rights beyond that, will relinquish them gratuitously, or at most on terms not difficult to be complied with.

With respect to the XIth Article of the Treaty of Alliance, it has produced mischievous apprehensions, and never can produce an effect which will not contravene its professed design. If France should not discern the utility of relinquishing this Article, she will acquiesce in a specification, which may render it less incompatible with her policy.

If the American Ministers, in attending to the Note before them, have avoided retracing the measures of the late French Government, which forced The United States to take the defensive position in which the present Negotiation found them; if they have declined to renew former discussions, or have not availed themselves of the opportunity of commencing others; it is because time has become precious with them, and because also they yet think it may be more useful to search for means of healing the breach, than for the causes which produced it.

As a further effort on their part to ascertain those means, they make the following Propositions, predicated on the adoption of the first alternative in the overture of the French Ministers Plenipotentiary.

1st. Let it be declared that the former Treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the 2 Powers had intervened, except so far as they are derogated from by the present Treaty.

2d. It shall be optional with either Party to pay to the other, within 7 years, 3,000,000 francs, in money, or securities which may be issued for Indemnities, and thereby to reduce the rights of the other, as to Privateers and Prizes, to those of the most favored Nation. And

during the said term allowed for option, the right of both Parties shall be limited by the line of the most favored Nation.

3d. The mutual guarantee in the Treaty of Alliance shall be so specified and limited that its future obligation shall be, on the part of France, when The United States shall be attacked, to furnish and deliver at her own Ports military stores to the amount of 1,000,000 francs, and on the part of The United States, when the French Possessions in America in any future War shall be attacked, to furnish and deliver at their own Ports a like amount in provisions.

It shall moreover be optional for either Party to exonerate itself wholly of its obligation, by paying to the other within 7 years a gross sum of 5,000,000 francs in money, or such securities as may be issued for Indemnities.

4th. The Articles of Commerce and Navigation, except the XVIIth Article of the Treaty, shall admit of modifications, reserving for their principle the rights of the most favored Nation, where it shall not be otherwise agreed, and be limited in their duration to 12 years.

5th. There shall be a reciprocal stipulation for Indemnities; and these Indemnities shall be limited to the Claims of Individuals, and adjusted agreeably to the principles and manner proposed by the American Ministers in a Project of a Treaty heretofore delivered, except when it shall be otherwise agreed; public Ships taken on either side shall be restored or paid for.

6th. All property seized by either Party, and not yet definitively condemned, or which may be seized before the exchange of the Ratifications of the present Treaty, shall be restored on reasonable, though it should be informal, proof of its belonging to the other, except Contraband Goods of The United States, destined to an Enemy's Port; this provision to take effect from the signature of the Treaty; and if any Condemnation should take place contrary to the intent of this stipulation before knowledge of the same shall be obtained, the property so condemned shall be paid for without delay.

The Ministers of The United States pray, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 37.—Extracts from the Journal of The American Plenipotentiaries.

Paris, 24th August, 1800.

As the French Ministers dined to-day with Mr. Ellsworth and Mr. Davie, they were requested to attend a Conference after dinner, for the purpose of giving some explanations of the Propositions subjoined to their Note. M. Bonaparte and M. Fleurieu, mentioning they had some urgent business at the Council, went away, leaving M. Roederer

authorized to give any explanation required. After a conversation of some length, during which M. Roederer discovered how unsatisfactory those Propositions were to the American Ministers, he suggested the following idea for consideration, viz :—" that the option contained in the Note of the American Ministers, to extinguish by an equivalent of 8,000,000 francs, certain Claims of France under the former Treaties, ought to be reciprocal, so that if the offer should be made by either Party, the other should be bound to accept it ;" saying that this suggestion ought not to be considered official, as his Colleagues were not consulted. The next day it was reduced into the form of an Article, and shewn to M. Roederer, to know whether the principle of his proposition was correctly taken ; and upon its being stated to him in the form it was supposed to be made the preceding evening, and upon the Article being translated, he admitted that he was correctly understood ; and then delivered another Proposition, which he said had been approved by the Minister of Exterior Relations, to the following effect :

" If, in the space of 7 years, the re-establishment of the XVIIth and XXIIInd Articles in their full force, be not offered, there shall be no further time allowed for the payment of the Indemnities liquidated by the Commissioners, and if the re-establishment of the XVIIth and XXIIInd Articles in their plenitude be offered within the space of 7 years, France shall have the option between this re-establishment, or an Indemnity of 8,000,000, to be paid to her in specie, or orders given for the payment of Indemnities liquidated by the Commissioners."

Nota. (Said to be added by the Minister of Exterior Relations.) " It is understood, and it shall be stipulated, in conformity to a Note of the American Ministers, that the privileges of Prizes being abolished, as well for France as for England, at the expiration of the Treaty, neither America nor France shall give them to any one Power."

Paris, 29th August, 1800.

The American Ministers intended to avail themselves of another Conference to-day with the French Ministers, but the President of the French Commission, and M. Roederer, had gone into the Country on the 27th, and were not returned this morning ; therefore, with the expectation of attracting the earliest attention of the Ministers to the business of the Negotiation, the following Note was addressed to them and sent to M. Fleurieu.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

No. 38.—The French Plenipotentiaries to The American Plenipotentiaries.

(Translation.)

Paris, 7th and 8th Fructidor.

THE Ministers Plenipotentiary of the French Republic have received the Note which the Ministers Plenipotentiary of The United [1817—18.]

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States did them the honor to address them on the 2nd of the present month.

They have not been able to consider the Proposals which accompany it, as bearing upon the first part of the alternative proposed. Indeed, the first of the Propositions upon which they have offered the choice was, that The United States admit explicitly the Treaties entered into with France, with all the advantages of priority attached to their date. In the last Conference, which took place on the 25th Thermidor last, it was clearly understood, and even reduced to writing, that this first part of the alternative essentially did away with all idea of a modification operating upon any one of the points of controversy in the Negotiation, and especially relative to the privileges secured to the French Nation in relation to other Powers. The Note, however, of the American Ministers proposes an essential modification of the XVIIth Article; it is therefore evident that this Note refers to the second part of the alternative, which consisted of an offer of a new Treaty without Indemnity. The French Ministers can therefore insist upon the condition that all stipulation for Indemnities be laid aside. France, however, will give to The United States a new proof of her amicable intentions, by consenting at once to the modification of her Treaties, and to the principle of Indemnities, as expressed in the Note herein added, from which The United States will evidently perceive the desire to effect a prompt and entire adjustment.

The Ministers of the French Republic have the honor, &c.

J. BONAPARTE.

C. P. CLARET FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

(Enclosure.)—Proposal of the French Plenipotentiaries.

1st. THE ancient Treaties shall be continued and confirmed to have their full force, as if no misunderstanding between the 2 Nations had ever occurred.

2nd. Commissioners shall be appointed to liquidate the respective Losses.

3rd. The XVIIth Article of the Treaty of Commerce of 1778 shall be continued in full force, with a single addition, immediately after these words, to wit: "And on the contrary, no shelter or refuge shall be given in their Ports or Harbors to such as shall have made Prize of the Subjects of His Majesty or of the Citizens of The United States." There shall be added, "If it be not in virtue of known Treaties, on the day of the signature of the present, and subsequent to the Treaty of 1778, and that for the space of 7 years." The XXIIInd Article subject to the same reservation as the XVIIth Article.

4th. If, during the term of 7 years, the Proposal to establish the XVIIth and XXIIInd Articles be not made and accepted without re-

serve, the Award for Indemnities determined by the Commissioners shall not be allowed.

5th. The Guarantee stipulated by the Treaty of Alliance shall be converted into a Grant of Succor for 2,000,000. But this Grant shall not be redeemable, unless by a capital of 10,000,000.

J. BONAPARTE. C. P. CLARET FLEURIEU. ROEDERER.

No. 39.—The American Plenipotentiaries to the French Plenipotentiaries.

CITIZENS MINISTERS,

Paris, 29th August, 1800, 7 P. M.

THE ENVOYS of The United States have given the most serious attention to the Note, and the Propositions enclosed, which the Ministers Plenipotentiary of the French Republic did them the honor to address to them under date of 7th Fructidor; and they regret that they have not been able to consider those Propositions in the light they are presented by the French Ministers, as connecting the justice of Indemnity with a beneficial modification of the Treaties.

The 3rd and 4th Propositions leave it optional with France to reject Indemnities, while they secure to her, unconditionally, the Treaty of Commerce, with a minute exception, which is so limited by time and other circumstances, as to render it of little consideration with either Party. With respect to the other Treaty, the option to reject Indemnities produces no effect whatever; its inconveniences are only to be avoided by a purchase of 10,000,000. So that by these propositions, Indemnities may be sacrificed, and the Treaties remain recognized and confirmed; a measure, which, in its operation, would be a complete departure from the principle proposed as the basis of Negotiation by the French Ministers, and the abandonment of an object to which the American Ministers are bound to adhere, and upon which their sentiments have never varied.

As to the 5th Proposition, it is rendered inadmissible, only by an augmentation of the sums proposed by the undersigned Ministers to extinguish the right of France under the mutual guarantee; a right, indeed, which, if France ever placed a value upon, she must have long since discerned that the abolition of it had become as essential to her interests as to those of the Nation which she wishes not to embarrass. Confidently was it presumed by the American Ministers, that, in the equivalent for that right offered by them, there would be seen a liberal regard to the honor of the French Republic, and a still further proof of that desire which has so much sought to facilitate to her an adjustment of existing differences.

The Ministers Plenipotentiary of The United States, having exhausted their efforts to discover, by a spirit of justice and accommodation, the means of accomplishing the desires and realizing the

views of both Nations, can only now hope to avail themselves of the better directed efforts of the Ministers Plenipotentiary with whom they have the honor to treat.

The American Ministers, willing to profit even of suggestions, remark, that, in a late Conference, which respected as well their Note of the 20th of the present month as that of the French Ministers Plenipotentiary of the 7th Fructidor, it was suggested by one of the latter (though not officially, or as a matter upon which the sense of his Colleagues had been taken,) that the option contained in the first-mentioned Note, to extinguish by an equivalent of 8,000,000 francs certain Claims of France under the former Treaties, ought to be reciprocal, so that if the offer should be made by either Party the other should accept it. That principle, if reduced to a form proper to give it effect, it is conceived, would be expressed as follows, viz :

If The United States shall, at any time within 7 years from the exchange of the Ratifications of the present Treaty, offer to the French Republic an Article of the tenor following, viz :

“ It is agreed that The United States shall pay to the French Republic, within 7 years from the day of exchanging the Ratifications of the Treaty of ———, 8,000,000 francs in money, or such Securities as have been or may be issued to Citizens of The United States for Indemnities under the said Treaty, together with interest hereafter at at the rate of ——— per centum per annum, until the principal shall be discharged. And that, as a consideration of such engagements, The United States shall for ever be exonerated of the obligation, on their part to furnish succors or aid under the mutual guarantee of the XIth Article of the Treaty of Alliance of the 6th of February, 1778; and the rights of the French Republic, under the XVIIth and XXIInd Articles of the Treaty of Amity and Commerce, of the same date, shall be for ever limited to such as the most favored Nation shall in these respects enjoy.”

The French Republic will accept the same; or, if the French Republic shall, at any time within that term, offer such an Article, The United States will accept the same. And, in either case, the Article so offered shall become part of the present Treaty.

To such a Stipulation, in connexion with the 1st, 4th, 5th and 6th Propositions offered by the American Envoys in their Note of the 20th of the present month, they would agree, so great is their desire to terminate, without farther loss of time, the present Negotiation.

They pray, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleurieu, and Roederer.

W. V. MURRAY.

No. 40.—*The French Plenipotentiaries to the American Plenipotentiaries.*

(Translation.)

Paris, 17th Fructidor. Year 8.

WE shall have the right to take our Prizes into the Ports of America.

A Commission shall regulate the Indemnities which either of the 2 Nations may owe to the Citizens of the other.

The Indemnities which shall be due by France to the Citizens of The United States shall be paid for by The United States; and, in return for which, France yields the exclusive privilege resulting from the XVIIth and XXIIInd Articles of the Treaty of Commerce, and from the rights of guarantee of the XIth Article of the Treaty of Alliance.

BONAPARTE.

C. P. CLARET FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

No. 41.—*Extracts from the Journal of the American Plenipotentiaries.*

Paris, 5th September, 1800.

M. ROEDERER delivered, at the same time, a Paper, unsigned, containing the following observations:

The Ministers of The United States appear to have mistaken the sense of the last Note of the French Ministers. They imagine *that the Indemnities may be sacrificed by the Propositions of the 7th Fructidor, and the Treaties, notwithstanding, remain completely acknowledged and confirmed.* It has always been the intention of the Ministers of France to reserve to her the right of choice between the restoration of her privileges and the payment of Indemnities which may be brought against her; so that they have never supposed that she would enjoy privileges without the payment of Indemnities, or could pay Indemnities without the enjoyment of privileges.

The American Ministers have also misunderstood the private observations of one of the French Ministers.

Their sole object was to shew, that, during the term of 7 years, France should possess (agreeably even to the plan of the Ministers of The United States) the right to choose between the re-establishment of the privileges resulting from the XVIIth and XXIIInd Articles of the Treaty of Commerce, and a sum of at least 8,000,000; since France regards those privileges as an advantage peculiar to her, and for the abandonment of which she may stipulate as she deems proper.

To avoid the uncertainty which might arise from such a Stipulation, hastily reduced to a diplomatic style, the Ministers of France have offered anew a naked Draft of their final determination; and they observe, that, if the American Ministers agree to the substance of the

Note, they may settle the form of it in concert with the French Ministers, and even modify the means of arriving at the same end.

Paris, 6th September, 1800.

The American Ministers being unanimous in the opinion that they could not accede to the Propositions under date of the 17th Fructidor, agreed to offer the following Articles as the basis of Negotiation, and as predicated upon the original overtures of the French Ministers, referring only the determination of the question respecting the Treaties and Indemnities to the American Government, and postponing that determination no longer than the time of Ratification.

For the Ministers Plenipotentiary of the French Republic :

The American Ministers consider the Propositions received from the Ministers Plenipotentiary of France yesterday, under date of the 17th Fructidor, as altogether inadmissible. The nearest approach to them, which the American Ministers can make, is,

I. The former Treaties shall be renewed and confirmed.

II. The obligations of the Guarantee shall be specified and limited, as in the first Paragraph of their 3rd Proposition of the 20th of August.

III. There shall be mutual Indemnities, and a mutual restoration of captured property not yet definitely condemned, according to their 5th and 6th Propositions of that date.

IV. If, at the exchange of Ratifications, The United States shall propose a mutual relinquishment of Indemnities, the French Republic will agree to the same; and, in such case, the former Treaties shall not be deemed obligatory, except that under the XVIIth and XXIIInd Articles of that of Commerce, the Parties shall continue for ever to have for their public Ships of War, Privateers, and Prizes, such privileges in the Ports of each other as the most favored Nation shall enjoy.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

No. 42.—The American Plenipotentiaries to the French Plenipotentiaries.

Paris, 8th September, 1800.

The Envoys of The United States request the honor of an interview with the Ministers Plenipotentiary of the French Republic, Tomorrow, at 12 o'clock, at such place as may be convenient to them; in order to learn whether the Note of the Undersigned of the 6th of the present month can serve as the basis of a Treaty, or if not, whether any further overtures are to be expected on the part of France.

They pray the Ministers Plenipotentiary of the French Republic to accept, &c.

O. ELLSWORTH.

W. R. DAVIE.

Messrs. Bonaparte, Fleuricu, and Roederer.

W. V. MURRAY.

No. 43.—*Extract from the Journal of the American Plenipotentiaries.*
Paris, 12th September, 1800.

THE American Ministers met this morning to settle the mode of conducting the expected Conference, and, resolved to press their last Propositions to the utmost; and, if the French Ministers should finally disagree to them without offering any admissible substitute, then, in that case, to offer the written Proposition delivered by M. Roederer, on the 26th August, in 2 forms, one connecting the XIth Article of the Treaty of Alliance with the XXII^d and XVIIth of that of Amity and Commerce, in the option of an equivalent, the other pursuing strictly the original proposition, but connecting it with a modification of the Guarantee; some remarks were also prepared, with respect to the operation and effect of a Guarantee in the form of the XIth Article, it being the object of the American Ministers to discuss the business fully, and, if possible, to press it to a determination.

The French Ministers attended at the hour appointed, and the Propositions of the 6th of September were taken up and considered, Article by Article. The 1st and IIIrd were agreed to with some modification of the IIIrd, as to rules of evidence, which did not vary its principle. The IInd and IVth were considered together, as in some measure connected; and after considerable discussion, the French Ministers said they were determined not to accede to these unless an option perfectly similar and reciprocal was assured to the French Republic, the operation of which enabled her to get rid of the Indemnities by an offer of abandoning the exclusive privileges. They now openly avowed that their real object was to avoid, by every means, any engagement to pay Indemnities; giving us, as one reason, the utter inability of France to pay, in the situation in which she would be left by the present War. The subject of the modification of the Guarantee was now particularly pressed, in the manner agreed. The conversation on this subject closed by a declaration of the President of the French Commission, that such a modification could not be acceded to without new Instructions; that they had no powers to assent to such a stipulation; but that, if the Government should think proper to instruct them to make a Treaty on the basis of Indemnities, and a modified renewal of the old Treaties, he would resign sooner than sign such a Treaty; adding, that, if the question could be determined by an indifferent Nation, he was satisfied such a Tribunal would say that the present state of things was *War* on the side of America, and that no Indemnities could be claimed. The other 2 Commissioners made similar declarations.

The American Ministers retired a few minutes, and agreed that it was now clearly in vain to make any further attempts on this ground, and of course useless to bring forward the Proposition of M. Roederer, in any form.

The Conference was therefore closed, by the American Ministers requesting a written Answer to the Note of the 6th of September.

Reflections of the American Ministers, on their overture respecting the Guarantee, delivered to the French Ministers at their Conference on the 12th day of September.

Adopting the universality of modern practice as a rule of exposition, a Guarantee which omits to stipulate specific succors does not contemplate any to be furnished; and is only on the part of the Guarantor a renunciation of interfering Claims, an engagement not to countenance or admit such Claims in favor of a 3rd Power, and, generally, an assurance of good offices for the security of the object guaranteed, which shall not be onerous to himself.

If, however, the Guarantee between France and The United States did in fact contemplate succors, they must have been principally for the latter, who might need them, rather than for the former, who was evidently competent to protect herself. And the mutuality of the obligation to succor could have been intended for little more than to save appearances.

Again, if the ability to furnish succors was to be the measure of them, and if they were contemplated at all, there could have been no other measure; much less must have been expected from the scattered Agriculturists of a new Country, than from a Nation habitually prepared for War, and one of the most powerful in Europe.

The American Ministers, however, have proposed not only to render the Guarantee specific, but to render the succors equal, and that without taking into the account that France will frequently receive, and but seldom have occasion to furnish, them. Their offer, it is presumed, in the view of the subject here given, will be sufficiently appreciated. The French Ministers will see in this proposition, only those motives of liberal policy, and that sincere spirit of accommodation, which have continually actuated The United States towards France; there being no circumstance in the present juncture that would dictate a sacrifice to that object of their convenience or their interests, and nothing in the perspective of the future from which they might augur such a necessity. And the American Ministers presume that France will not raise new obstacles to the progress of the Negotiation, by placing a high and unexpected value upon what she really placed none heretofore: it would accord neither with her accustomed magnanimity, nor that conciliatory policy towards The United States which she professes to pursue.

O. ELLSWORTH. W. R. DAVIE. W. V. MURRAY.

No. 44.—*Extract from the Journal of the American Plenipotentiaries.*
Paris, 13th September, 1800.

THE American Ministers being now convinced, that the door was

perfectly closed against all hope of obtaining Indemnities, with any modifications of the Treaties, it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a temporary arrangement, which would extricate The United States from the War, or that peculiar state of hostility in which they are at present involved; save the immense property of our Citizens now depending before the Council of Prizes, and secure, as far as possible, our commerce against the abuses of Captures during the present War.

After mature deliberation, the American Ministers resolved to make the overture contained in the following Note, which was sent to the Commissioners of the French Republic the same day.

O. ELLSWORTH. W. R. DAVIE. W. V. MURRAY.

*No. 45.—Extract from the Journal of the American Plenipotentiaries.
Paris, 13th September, 1800.*

THE Undersigned had the honor of receiving the Note of the French Ministers of the 26th Fructidor, (13th September,) yesterday.

The discussion of former Treaties, and of Indemnities, being for the present closed, it must, of course, be postponed till it can be resumed with fewer embarrassments.

It remains only to consider the expediency of a temporary arrangement. Should such an arrangement comport with the views of France, the following principles are offered as the basis of it.

1st. The Ministers Plenipotentiary of the respective Parties not being able at present to agree respecting the former Treaties and Indemnities, the Parties will, in due and convenient time, further treat on those subjects: and until they shall have agreed respecting the same, the said Treaties shall have no operation. In the mean time,

2nd. The Parties shall abstain from all unfriendly acts; their commercial intercourse shall be free, and debts shall be recoverable in the same manner as if no misunderstanding had intervened.

3rd. Property captured, and not yet definitely condemned, or which may be captured before the exchange of Ratifications, shall be mutually restored. Proofs of ownership to be specified in the Convention.

4th. Some provisional Regulations shall be made to prevent abuses and disputes that may arise out of future cases of Capture.

The Ministers of The United States request the honor of an early interview, at such time and place as may be convenient to the Ministers Plenipotentiary of the French Republic, and offer them, &c.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

Mars. Bonaparte, Fleurieu, and Roederer.

*No. 46.—Extract from the Journal of the American Plenipotentiaries.
Paris, 19th September, 1800.*

A CONFERENCE was held to day with the French Ministers, at the opening of which they delivered the following Articles as a kind of Counter Project.

[Then follows the Note of Messrs. Roederer and Fleurieu, dated Paris, 2nd Complementaire, An 8.]

No. 47.—The French Plenipotentiaries to the American Plenipotentiaries.

(Translation.)

Paris, 26 Fructidor, Year 8.

THE French Ministers cannot recede from the modifications they have had the honor to propose verbally, yesterday, to the American Ministers on their Note of 6th September (19 Fructidor.)

They firmly adhere to these principles:

1st. That a stipulation of Indemnities carries with it the full and entire admission of the Treaties; and,

2nd. That the relinquishment of the advantages and privileges stipulated by the Treaties, by means of the reciprocal relinquishment of Indemnities, would prove to be the most advantageous arrangement, and also the most honorable to the 2 Nations.

Departing from these principles, the French Ministers persist in the verbal declarations which they made in the Conference of yesterday. They therefore proceed to express themselves on each of the Articles of the Proposition of the American Ministers.

1st. The ancient Treaties shall be acknowledged and confirmed.

2nd. The obligations of Guarantee shall be specified and limited, as in the 1st Paragraph of their 3rd Proposition of the 20th August.

3rd. There shall exist mutual Indemnities, and a reciprocal restitution of captured property, which shall not have been decided upon, in conformity to their 1st and 6th Propositions of the same date.

4th. If, at the exchange of Ratifications, The United States propose the reciprocal relinquishment of Indemnities, the French Republic will admit this Proposition; and, in this case, the ancient Treaties will not be looked upon as obligatory, except, under the XVIIth and XXIInd Articles of the Treaty of Commerce, the Parties shall continue to extend to their Ships of War, Privateers, and Prizes, in their respective Ports, the privileges possessed by the most favored Nation.

(Note of the 6th of September.)

They accede to the Proposition of the 1st Article.

The IIInd cannot be admitted, unless the IVth Article give to the

French Republic the assurance that, if she propose to The United States the reciprocal relinquishment of Indemnities, this Proposition will be accepted, notwithstanding the relinquishment of the right of Guarantee, setting aside the Treaty of Alliance and the privileges resulting from the XVIIth and the XXIIInd Articles of the Treaty of Commerce. If the IVth Article do not contain this stipulation, neither can this IVth Article nor the IInd Article be admitted.

The IIIrd seems to require some explanation.

The French Ministers are of opinion :

1st. That the regulation of Indemnities for Prizes captured, and which shall have been condemned at the time of the signing of the Treaty, shall apply to Individuals.

2nd. That the Vessels or National Ships taken shall be respectively restored or paid for.

3rd. That Prizes captured from Individuals, and not tried at the time of the signature of the Treaty, shall be tried according to the Provisions of the Treaty of 1778, by the most exact interpretation thereof that can be properly given.

The IVth Article is inadmissible, as has been before observed ; unless it offer to France the same right as The United States, and unless it maintain the ancient Treaties, with the exception of the obligation of guarantee and of privileges.

To fulfil this object, and to confirm the IInd Article, the IVth Article must be expressed in these terms, or others of equal force.

If, at the exchange of Ratifications, The United States offer to the French Republic, or if the French Republic offer to The United States, the reciprocal relinquishment of Indemnities, this proposition shall be accepted ; and, in this case, the obligation of Guarantee arising out of the XIth Article of the Treaty of Alliance, and the privileges resulting from the XVIIth and XXIIInd Articles of the Treaty of Commerce, shall be reduced to the privileges which the most favored Nation may enjoy.

J. BONAPARTE.

C. P. CLARET FLEURIEU.

Messrs. Ellsworth, Davie, and Murray.

ROEDERER.

No. 48.—Proposition of the French Plenipotentiaries.

(Translation.)

Paris, 2 Complementary, Year 8.

THE French and American Ministers having admitted, at the close of repeated discussions, that they could not then either agree upon the interpretation of the XIth Article of the Treaty of Alliance, and of the XVIIth and XXIIInd of the Treaty of Commerce, of 1778, or upon the reciprocal Indemnities that may arise out of the capture of Prizes from Individuals of both Nations, have agreed upon what follows :

ART. 1. The Parties put off to another time the discussion of Indemnities and of the above 3 Articles of the Treaties of 1778, which Treaties are, moreover, acknowledged and confirmed by these presents as well as the Consular Convention of 1788.

2. The Ships of the 2 Nations, and their Privateers accompanied by their Prizes, shall be treated in the respective Ports as those of the most favored Nation.

3. National Ships shall be restored or paid for.

4. The property of Individuals not yet tried shall be so according to the Treaty of Amity and Commerce of 1778, in consequence of which a *Rôle d'Equipage* shall not be exacted, nor any other proof which this Treaty could not exact.

C. P. C. FLEURIEU.

ROEDERER.

*No. 49.—Extracts from the Journal of the American Plenipotentiaries.
Paris, 24th September, 1800.*

THESE Articles were discussed with the corresponding Articles in the Propositions of the American Ministers of the 13th of September; and it was agreed to meet, from day to day, until the business was finished.

The following Note was received from the Secretary of the French Legation :

4th Complementaire, Year 8.

M. Pichon's compliments to Messrs. Davie and Ellsworth, and sends to them, herewith enclosed, Copies of the Articles settled. He has it in charge from the French Ministers to desire the American Envoys, if they see no impropriety, to communicate what they intend to propose further on the 4th principle of the Note, in order that the French Ministers may look to it until the next Conference, and that the debates, after dinner, may be the shorter.

If the American Ministers have no objection to this, and they are pleased to forward the Articles to M. Pichon, he will translate and communicate them to the French Minister, so that time may be spared, and business as much as possible forwarded.

Paris, 22nd September, 1800.

The American Ministers present their compliments to M. Pichon, and readily comply with the Proposal in his obliging Note of yesterday.

They will bring forward, as details, under their 4th Proposition, the XX1st, XX1Ind, XX1Ird, XXIVth, XXVth, XXVIth, and XXVIIth Articles of their former Project, with some variation of the XX1Ind and XX1Ird, to adapt them to principles already agreed on. These Articles, it is presumed, cannot occupy much time, as they have been so long in the hands of the French Ministers, as they are principally drawn from the Treaty of 1778, and are only varied or enlarged to prevent a

repetition of abuses and misunderstanding. It will, also, be proposed to add to the XXIVth the following Clause:

“ Nevertheless, it shall not be required to examine the Papers of Vessels conveyed by Vessels of War, but credence shall be given to the word of the Officer who shall conduct the Convoy;” principally with a view to check West India Privateers till your Government shall be able to reduce them to obedience.

Paris, 23rd September, 1800.

The American Ministers present their compliments to M. Pichon, and now send, agreeably to his request, the XXIIId Article of their former Project, varied agreeably to the intimation given in their Note to him of yesterday. He will have the goodness to present the Article to the French Ministers for their examination. It accommodates their views to subject Enemy goods in free bottoms, as soon after the Ratification as Papers can be furnished requisite to prevent great embarrassments. It concedes the principle they desire, while it so regulates the exercise of that principle as to render it less distressing to Neutral Commerce, and, of course, less injurious to France.

And, that Captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed, that, when one Party shall be engaged in War, and the other Party be neuter, the Ships of the Neutral Party, that is, such of them as have already left, or which, prior to the first day of May next, may leave the Ports of the Nation to which they belong, shall be furnished with Passports similar to those described in the Article, that it may appear thereby that the Ships really belong to the Citizens of the Neutral Party. They shall be valid for any number of Voyages, but shall be recalled every year, that is, if the Ship should return home within the space of a year. Such Ships being laden, are to be provided, not only with Passports, as abovementioned, but also with Certificates, similar to those described in the same Article, that so it may be known whether they carry any Contraband goods. No other Paper shall be required, any Usage or Ordinance to the contrary notwithstanding. And, if it shall not appear from the said Certificates that there are Contraband goods on board, the Ships shall be permitted to proceed on their Voyage: if it shall appear from the Certificates that there are Contraband goods on board any such Ship, and the Commander of the same shall offer to deliver them up, he shall, notwithstanding, be at liberty to proceed on his Voyage, unless the quantity of the Contraband goods shall be greater than can be conveniently received on board the Ships of War or Privateer, in which case, the Ship may be carried into Port for the delivery of the same.

With respect to Ships which shall leave the Ports of the Nation to which they belong, after the last day of April next, they shall be fur-

nished with Passports as above mentioned, and if laden, shall be furnished with like Certificates as before mentioned, excepting that the Certificates shall also express to whom the Cargo belongs, and of what Nation, State, or Prince, the Owner is a Citizen or Subject, that so it may be known if there are Contraband or Enemy goods on board.

If any Ship, in the predicament first above mentioned, shall not be furnished with such Passports and Certificates as is above required for the same, such Case may be examined by a proper Judge or Tribunal, and if it shall be found from other Documents or Proofs, admissible by the usage of Nations, that the Ship belongs to the Citizens of the Neutral Party, it shall not be confiscated, but shall be released with her Cargo, (Contraband goods excepted,) and be permitted to proceed on her Voyage. And if any Ship, in the second predicament above mentioned, shall not be furnished with such Passports and Certificates as is above required for the same, such Case may be examined by a proper Judge or Tribunal, and if it shall be found from other Documents or Proofs admissible by the usage of Nations, that the Ship belongs to the Citizens of the Neutral Party, the same shall not be confiscated, but shall be released with her Cargo, (Contraband goods and such as shall be found to be Enemy goods excepted,) and be permitted to proceed on her Voyage.

The business was now conducted by Conference from day to day, until the 30th of September, when the Convention was finished under the title of a Provisional Treaty.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

*No. 50.—Extract from the Journal of the American Plenipotentiaries.
Paris, 3rd October, 1800.*

THE American Ministers finally, but with great reluctance, agreed to the signing in the form of the Treaty of 1778, and it was executed accordingly, dated October 2nd, [1800.] The French Ministers called this morning with the Treaties, proposing some alterations with regard to the style of the French Republic, and that the word "Provisional" should be stricken out in the name or description of the Treaty. The American Ministers availed themselves of this opportunity to resume their opposition to the admission in favor of the French language, and consented to the proposed alterations respecting the style of the French Government, and offered to change the term "Provisional Treaty" for that of Convention, on the condition that that part of the Treaty which respected the French language was stricken out; agreeing at the same time that a Clause might be inserted saving the right of both Nations, to which the French Ministers acceded without any further discussion.

6 Copies being now prepared as agreed to be amended, they were signed and sealed under the former date of the 30th of Sep-

tember, (9 Vendemiaire,) 2 Copies were retained by the French Commissioners, 2 were left with Mr. Murray, and the other 2 were taken in charge by Mr. Ellsworth and Mr. Davie.

O. ELLSWORTH.

W. R. DAVIE.

W. V. MURRAY.

No. 51.—Mr. Murray to the Secretary of State.

(Extract.)

Paris, 1st October, 1800.

THIS will go by my Colleagues, Mr. Ellsworth and Mr. Davie, who probably will leave Paris in 2 days. They will inform you of the whole history of the Negotiation, which terminated last night in the Signature of a Provisional Treaty of Amity and Commerce. We were all profoundly convinced that, considering the relations of the 2 Countries, politically, the nature of our demands, the present state of France, and the state of things in Europe, it was our duty, and for the honor and interest of the Government and People of The United States, that we should agree to that Treaty, rather than make none.

As the Copy of our Journal was not completely ready, I have requested Mr. Davie to do me the favor of signing it with my name for me.

The Hon. John Marshall.

W. V. MURRAY.

No. 52.—The American Plenipotentiaries to the Secretary of State.

SIR,

Paris, 4th October, 1800.

THE Undersigned have the honor to present to you a Journal of their proceedings, and a Convention in which those proceedings have terminated.*

The Claim of Indemnities brought forward by them was, early in the Negotiation, connected by the French Ministers with that of a restoration of Treaties, for the infractions of which the Indemnities were principally claimed. To obviate this embarrassment, which it had not been difficult to foresee, the American Ministers urged, in the spirit of their Instructions, that, those Treaties having been violated by one Party, and renounced by the other, a priority had attached in favor of the Treaty with Great Britain, who had, thereby, acquired an exclusive right for the introduction of Prizes; wherefore, that right could not be restored to France.

The argument was pressed, both by Notes and in Conferences, as long as there remained a hope of its utility, and until there appeared no alternative but to abandon Indemnities, or, as a mean of saving them, to renew, at least partially, the Treaty of Commerce. Whether in fact it could, or could not, be renewed consistently with good faith, then became a question for thorough investigation; in the course of which the following considerations occurred :—

1st. It is not a breach of faith to form a Treaty with one Nation inconsistent with an existing Treaty with another, it being well under-

* See Martens. Vol. 7, Page 484.

stood that the prior Treaty prevails, and has the same operation as if the subsequent one were not formed; nor is it necessary or usual for a subsequent to make an express saving of the rights of a prior Treaty, the Law of Nations having made that saving as complete and effectual as it can be rendered. This rule of construction holds universally, except where the subsequent Treaty can have no operation but by violating the first; in which case, it will be taken for an agreement to come to a rupture with the Power with whom the first was formed.

2nd. Indeed, by a Clause in the XXVth Article of the British Treaty, it is provided "that while the Parties continue in amity, neither of them will in future make any Treaty that shall be inconsistent with that or the preceding Article;" which Articles contain, among other things, the exclusive right of introducing Prizes into the Ports of each other. If, however, the British be considered in the light of a prior Treaty, as it must be to raise a doubt, all its rights, as well those of a restrictive nature as others, would be saved of course, and none of them would, at any time or in any degree, be affected by the subsequent stipulation. The subsequent stipulation, in the case supposed, although it should give, in general terms, the right of introducing Prizes, would be understood with a limitation, that it was never to extend to a case in which Great Britain should be the Enemy.

3rd. The Instructions to the American Ministers authorized a renewal of the XVIIth Article of the Treaty of Commerce, if it should be necessary, though with a special saving, for 2 Articles of the British Treaty. That special saving, however, cannot be material, as the settled rule of construction would, without it, make a saving still more comprehensive.

4th. The renewal of the XVIIth Article of the Commercial Treaty is not conceived to be within the expression or design of the restraining Clause of the British Treaty, "not in future to make any Treaty that shall be inconsistent with," &c. To recognize a pre-existing Treaty which contains a stipulation inconsistent with, &c. is not to make a new or future Treaty containing such stipulation. To recognize the former Treaties, would be only to preserve or restore the state of things existing when the British Treaty was formed, and not to introduce a new state of things, which was, doubtless, the event intended to be guarded against. It would be only to do what is usually done in the termination of misunderstandings. We are not to presume, and much less is it expressed, that The United States and Great Britain meant to deprive themselves of the usual means of terminating National contests in which they might be involved. And the facility of terminating misunderstandings, by restoring things to their former condition, is not only so great, but so conformable to justice and so favorable to general tranquillity, that the Law of Nations will

not favor a construction which goes to deprive a Contracting Party of the benefit of it.

5th. The language in which pre-existing Treaties are usually recognized at the close of a War does not import that the Treaties have, in fact, ceased to exist, but rather that the causes which suspended their operation have ceased; and, in various instances, such Treaties are counted upon as becoming again operative, without any express provision to render them so.

6th. Nor is it conceived that the Treaties between The United States and France have undergone a more nullifying operation than the condition of War necessarily imposes. Doubtless the Congressional Act, authorizing the reduction of French Cruizers by force, was an authorization of War, limited, indeed, in its extent, but not in its nature. Clearly, also, their subsequent Act, declaring that the Treaties had ceased to be obligatory, however proper it might be for the removal of doubts, was but declaratory of the actual state of things. And certainly it was only from an exercise of the constitutional prerogative of declaring War, that either of them derived validity; so that the Treaties in question, having had only the usual inoperation, might, without a breach of faith, have the usual recognition.

7th. As far as the opinion of Great Britain goes, there would be no difficulty in recognizing a Treaty, which gives to France an exclusive right to introduce Prizes into the Ports of The United States; because she, by a Project of a Treaty of Peace, drawn up at her own Court, in 1792, and offered by Lord Malmesbury to the French Plenipotentiaries, proposed to give to France such exclusive right in the British Ports; that is, the Project renewed the Treaties of Paris of 1763 and of 1783, both of which renewed the Commercial Treaty of Utrecht, of 1713, which contained such a stipulation.

The foregoing considerations induced the Undersigned to be unanimously of the opinion, that any part of the former Treaties might be renewed consistently with good faith.

They then offered a renewal, with limitations of the XVIIth Article of the Commercial Treaty, which, without compromising the interests of The United States, would have given to France what her Ministers had particularly insisted on, as essential to her honor, and what they had given reason to expect would be deemed satisfactory. The overture, however, finally produced no other effect than to enlarge the demand of the French Ministers, from a partial to a total renewal of the Treaties, which brought the Negotiation a second time to a stand.

The American Ministers, however, after a deliberation of some days, the progress of events in Europe continuing in the mean time to grow more unfavorable to their success, made an ulterior advance, [1817—18.]

going the whole length of what had been last insisted on. They offered an unlimited recognition of the former Treaties, though accompanied with a provision to extinguish such privileges claimed under them as were detrimental to The United States, by a pecuniary equivalent, to be made out of the Indemnities which should be awarded to American Citizens. A compensation, which, though it might have cancelled but a small portion of the Indemnities, was nevertheless a liberal one for privileges which the French Ministers had often admitted to be of little use to France, under the construction which the American Government had given to the Treaties.

This offer, though it covered the avowed objects of the French Government, secured an engagement to pay indemnities, as well as the power to extinguish the obnoxious parts of the Treaties. To avoid any engagement of this kind, the French Ministers now made an entire departure from the principles upon which the Negotiation had proceeded for some time, and resumed the simple unqualified ground of their overture of the 23rd Thermidor; declaring that it was indispensable to the granting of Indemnities, not only that the Treaties should have an unqualified recognition, but that their future operation should not be varied in any particular, for any consideration or compensation whatever. In short, they thought proper to add, what was quite unnecessary, that *their real object was to avoid Indemnities*, and that it was not in the power of France to pay them.

No time was requisite for the American Ministers to intimate that it had become useless to pursue the Negotiation any farther.

It accorded as little with their views as with their instructions, to subject their Country perpetually to the mischievous effects of those Treaties, in order to obtain a promise of indemnity at a remote period—a promise which might as easily prove delusive, as it would reluctantly be made; especially, as, under the guarantee of the Treaty of Alliance, The United States might be immediately called upon for succors, which, if not furnished, would of itself be a sufficient pretext to render abortive the hope of indemnity.

It only remained for the Undersigned to quit France, leaving The United States involved in a contest, and, according to appearances, soon alone in a contest, which it might be as difficult for them to relinquish with honor as to pursue with a prospect of advantage; or else to propose a temporary arrangement, reserving for a definitive adjustment points which could not then be satisfactorily settled, and providing in the mean time against a state of things of which neither Party could profit. They elected the latter; and the result has been the signature of a Convention.

Of property not yet definitively condemned, which the IVth Article respects, there are more than 40 Ships and Cargoes, and a number

of them of great value, at present pending for decision before the Council of Prizes; and many others are doubtless in a condition to be brought there, if the Claimants shall think fit.

Guards against future abuses are perhaps as well provided as they can be by stipulations. The Article respecting Convoys may be of use in the West Indies, till it shall be more in the power of the French Government than it is at present to reduce the Corsairs in that Quarter to obedience.

As to the Article which places French Privateers and Prizes on the footing of those of the most favored Nations, it was inserted as drawn by the French Ministers, without any discussion of the extent of its operation; the American Ministers having, in former stages of the Negotiation, repeatedly and uniformly declared, agreeably to the rule of construction settled by the Law of Nations, that no stipulation of that kind could have effect as against the British Treaty, unless the stipulation were derived from the former Treaties, which it is here expressly agreed shall have no operation whatever. This Article, however, is less consequential, as it will soon be in the power of The United States, and doubtless also within their wisdom, to refuse to the Privateers and Prizes of any Nation an asylum beyond what the rights of humanity require.

If with the simple plea of right, unaccompanied with the menaces of power, and unaided by events either in Europe or America, less is at present obtained than justice requires, or than the policy of France should have granted, the Undersigned trust that the sincerity and patience of their efforts to obtain all that their Country had a right to demand, will not be drawn in question.

We have the honor, &c.

OLIVER ELISWORTH.

WM. R. DAVIE.

WM. V. MURRAY.

The Hon. John Marshall.

No. 53.—The Minister for Foreign Affairs to M. Pichon.

(Translation.)

(Extract.)

16th Thermidor, Year 9.

I HAVE received, Citizen, your Dispatch of the 14th Prairial, (4th June,) and the Papers you have enclosed with it.

I have the pleasure to inform you that the Government of the Republic has ratified the Convention of the 9th Vendemiaire, (30th September.) It has not escaped you, that the Ratification of the Senate and of the American Government, in truth, unusual, irregular, and incomplete, had placed us in a position which was not in reality embarrassing, but because we were sincerely disposed to enter into, with The United States, our ancient relations of good understanding and amity. It would have been extremely easy and plausible to terminate this discussion by a refusal to ratify, in citing the radical defect of the

American Ratification; but then the reconciliation of both Nations would have remained uncertain, and would have been left to the chances of an unknown futurity. The Government has preferred to terminate this debate in the manner the most conformable to the interests and to the sentiments of the 2 Nations. However, as in ratifying without explanation, the 2 Governments would have found themselves in an unequal position relative to the pretensions expressed in the suppressed Article, the suppression of this Article releasing the Americans from all pretensions on our part relative to ancient Treaties, and our silence respecting the same Article, leaving us exposed to the whole weight of the eventual demands of this Government relative to Indemnities, it has become necessary that a form be introduced into the Act of Ratification, in order to express the sense in which the Government of the Republic understood and accepted the abolition of the suppressed Article.

I transmit to you, herein enclosed, the form of Ratification, and the verbal process of exchange. I ought not to suppose that this Act could be the object of any explanation between you and the Federal Government; in every case the particulars of the Negotiation are perfectly known to you.

You know that the IInd Article had not been introduced into the Convention without repugnance on the part of the American Minister. Mr. Murray, urged by our Ministers to explain the motive for the suppression of this Article, declared *that the question was too interesting not to have already captivated his attention; and that, taking for the basis of the views of his Government the desire to establish harmony between the 2 Nations, he was of opinion that the motive for the rejection of the IInd Article could be found in the Article itself, looking upon it as susceptible of producing disquiets in future, by promising nothing but an ulterior and discordant Negotiation; and in the desire of placing reciprocal friendship rather in the natural course of things, than hazard it in an Article which, if it had ever been executed, would have a palpable tendency to disturb it.*

This is a full and wise explanation. It is, moreover, too, conformable to the dispositions of harmony which exist between the 2 Governments, and of regard which united both Nations, that the Government of the Republic should not have heard, with certainty, that the abolition of the IInd Article was equivalent to the abolition of all the pretensions that have so long established discord in the relations of the 2 Countries, and in the discussions of their Legislatures.

I have room to believe that, in your immediate Answer to my Despatch of this day, you will inform me of the approaching departure of Mr. Livingston. In awaiting the arrival of the Republican Minister, and the definitive nomination of the Commissioners of Commercial Relations, I confide in the zeal of the Agents whom you have

provisionally appointed, and in the wisdom of the directions which they receive of you.

I salute you,

M. Pickon.

CH. MAU. TALLEYRAND.

No. 54.—The Secretary of State to Mr. Livingston.

(Extracts.)

Washington, 18th December, 1801.

THE Convention with the French Republic, as finally exchanged by Mr. Murray, arrived here on the 9th day of October last, in the hands of Mr. Appleton. As the form of Ratification by the French Government contained a Clause declaratory of the effect given to the meaning of the Treaty by the suppression of the IInd Article, it was thought by the President most safe, as a precedent, to ask anew the sanction of the Senate to the Instrument with that ingredient. No decision has yet been taken by that Body; and from the novelty of the case, the number of absent Members, and the delays incident to questions of form, it is possible that it may be some little time yet before the subject is brought to a conclusion. It is not, however, to be presumed, that any serious difficulty can ultimately clog it; and it is hoped that nothing in the present appearance will mislead the French Government into a suspension of proceedings for giving to The United States the benefits of the Treaty. I am authorized to say that the President does not regard the Declaratory Clause as more than a legitimate inference from the rejection by the Senate of the IInd Article, and that he is disposed to go on with the measures due under the compact to the French Republic.

You will find by the Proceedings of the House of Representatives sketched in the Newspapers, herewith enclosed, that the injury threatened to our navigation by Foreign Regulations brought into activity by the Peace, more particularly by the countervailing Act of Great Britain, founded on her construction of the Treaty of 1794, has engaged the attention of that Assembly. The Resolution proposed by General Smith has been as yet very partially discussed, and it is uncertain what shape or turn may finally be given to it.

Mr. Livingston.

JAMES MADISON.

No. 55.—Mr. Livingston to the Secretary of State.

(Extract.)

Paris, 13th January, 1802.

THE reluctance we have shewn to a renewal of the Treaty of 1778 has created many suspicions. Among other absurd ones, they believe seriously that we have an eye to the conquest of their Islands. This business of Louisiana also originated in that, and they say expressly that they could have had no pretence, so far as related to the Floridas, to

make this exchange, had the Treaty been renewed, since by the VIth Article, they were expressly prohibited from touching the Floridas. I own I have always considered this Article, and the guarantee of our Independence, as more important to us than the guarantee of the Islands was to France, and the sacrifices we have made of an immense claim to get rid of it, as a dead loss.

The Hon. James Madison.

ROBERT LIVINGSTON.

No. 56.—Mr. Livingston to the Minister for Foreign Affairs.

(Extract.)

Paris, 17th April, 1802.

I AM sorry, Sir, that we should still continue to think differently on the subject of the Indemnities. The Vth Article appears to me to go much farther than your construction of it is willing to admit. It expressly stipulates that all Debts due by either Government to the Individuals of the other *shall be paid*. But as this would also have included the Indemnities for Captures and Condemnations previously made, and as it was the intention of the Contracting Parties, by the IIInd Article, to exclude this payment, as depending on a future Negotiation, it was necessary to except from this promise of payment *all* that made the subject of the IIInd Article. The exception, therefore, must be considered as a complete explanation of the extent of the word "Indemnities" in that Article; and the whole of the Vth Article, taken together, amounts to an express stipulation to pay every Debt due to Individuals, except such as they might claim for Indemnities for Captures and Condemnations, and must have been so construed had the IIInd Article continued in the Treaty. On its being erased, the Vth Article stands alone as a promise to pay, with the single exception of Indemnities for Captures and Condemnations. It will, Sir, be well recollected by the distinguished Characters who had the management of the Negotiation, that the payment for illegal Captures, with Damages and Indemnities, was demanded on one side, and the renewal of the Treaty of 1778, on the other; that they were considered as of equivalent value, and that they only formed the subject of the IIInd Article; and that, as to the payment of Indemnities for Embargoes, in consequence of the cargoes being put in requisition, or with a view to any other political measure which carried with it nothing hostile to The United States, no controversy ever arose between the Plenipotentiaries of the 2 Nations.

M. de Talleyrand.

ROBERT LIVINGSTON.

No. 57.—The Secretary of State to Mr. Charles Pinckney.

(Extract.)

Washington, 6th February, 1804.

YOUR last Letter, not already acknowledged, is that of August 2nd, continued on August 30th.

The Senate having resumed at the present Session, the Convention with Spain, postponed at the last, have thought proper to ratify it; and the President has completed the Act on the part of The United States.

The Instrument is now returned to you with these sanctions, in order to be exchanged for the Ratification of His Catholic Majesty. You will hasten this formality as much as possible, and forward the result to the Government here, that no time may be lost in procuring to our Citizens the benefit stipulated to them. To favor despatch, as well as to guard against casualties, Duplicates and even Triplicates will be proper.

In concurring in this partial provision for the Indemnities due from Spain, it is to be particularly understood that it proceeds from no other considerations, than a wish to shorten the delay of relief to that portion of the Claimants who are included in the provision, and a determination to avail the residue of the reserve expressly made in behalf of their Claims by the—Article of the Convention. When the decision of the Senate was postponed at the last Session, it was justly hoped, that, before the succeeding one, the Spanish Government would have yielded to the reasonableness and justice of giving to the provision the extent required by The United States: in which case the arrangements would have been simplified, and a foundation laid at once for closing all controversies on the subject. The final refusal of Spain to concur in these views has been thought to give a preference to the course now adopted.

None of the pleas urged by the Spanish Government can in the least invalidate the justice of the Claims, for injuries committed by French Citizens or Agents within her jurisdiction.

If His Catholic Majesty be Sovereign in his own Dominions, Aliens within them are answerable to him for their conduct, and he, of course, is answerable for it to others. This is a principle founded too evidently in reason and usage to be controverted. As well might Spain say that a theft or robbery, committed in the streets of Madrid by a Frenchman on an American, is to be redressed by France, and not by her, as pretend that redress is to be sought for spoliations committed by Cruizers from, or condemnations within, Spanish Ports. Nor is there any room for the distinction between the injuries proceeding from the French Cruizers and the French Consuls. With respect to the Consuls, their acts were either authorized or not authorized by Spain; if authorized by Spain, Spain is answerable for giving them the authority: if not authorized by Spain, they could not be authorized at all,—the Law of Nations giving them no such authority, and France having no right to give it: and being acts without authority, they are not to be regarded as Consular acts, but as much the acts of private individuals as the Cruizers', or any other irregularities committed or instituted by French

Citizens within the jurisdiction of Spain. To say that the Consuls derive their authority from the sanction given by Spain to the authority derived from France, without which sanction, positive or permissive, it is clear that the authority of France within the jurisdiction of Spain would be a nullity, is still to rest the condemnations by the Consuls on the authority of Spain, and to leave her responsible for them.

Under every aspect, therefore, Spain is bound to do justice in this case to the Citizens of The United States, unless she not only pleads a duress, suspending her free agency, and prostrating her national honor, but proves the reality of this duress; and not only proves this duress, but proves, moreover, first, that she did everything in her power to prevent the evil; next, that she did every thing in her power to obtain reparation for it; and lastly, that, in tolerating the evil, she did not deliberately and wilfully surrender the Neutral Rights under her protection, to advantages positive or negative, obtained or expected by herself from France.

The suggestion that France was resorted to for redress is unfounded. It does not appear that any such resort was authorized by the Government of The United States, whilst the Claims against Spain have been uniform and pressing. Nor is it believed that any interpositions have proceeded from the American Legation at Paris. Had, indeed, such interpositions taken place, they would in no respect lessen the obligations of Spain.

Individuals may have made their applications to the French Government; but it will not be pretended that the merits of the question can be affected by that circumstance.

The plea on which it seems that the Spanish Government now principally relies, is the erasure of the IInd Article from our late Convention with France, by which France was released from the Indemnities due for spoliations committed under her immediate responsibility to The United States. This plea did not appear in the early objections of Spain to our Claims. It was an afterthought, resulting from the insufficiency of every other plea, and is certainly as little valid as any other. The injuries for which Indemnities are claimed from Spain, though committed by Frenchmen, took place under Spanish authority; Spain therefore is answerable for them. To her we have looked, and continue to look, for redress. If the injuries done to us by her resulted in any manner from injuries done to her by France, she may, if she pleases, resort to France as we resort to her. But whether her resort to France would be just or unjust, is a question between her and France; not between either her and us, or us and France. We claim against her not against France. In releasing France, therefore, we have not released her. The Claims, again, from which France was released were admitted by France, and the release was for a valuable considera-

tion, in a correspondent release of The United States from certain Claims on them. The Claims we make on Spain were never admitted by France, nor made on France by The United States; they made therefore, no part of the bargain with her, and could not be included in the release.

Mr. Charles Pinckney.

JAMES MADISON.

No. 58.—Report of the Committee on Foreign Affairs, of the House of Representatives, relative to the Claims of American Citizens upon the Government of The United States, arising out of the preceding Documents.

THE Memorialists belong to a numerous Class of Citizens, who had Claims upon the Government of France for spoliations committed prior to the 30th day of September, 1800; which Claims were renounced by the Government of The United States, in the Negotiation of the Convention with France, concluded on that day.

The Committee deem it inexpedient, at the present time, to enter into a detailed consideration of the subject. It will, in general, be recollected, that, in 1778, The United States and France mutually bound themselves to each other, in a Treaty of Alliance, containing, among other Stipulations, a mutual guarantee of the Territory of the 2 Governments respectively; and that in a Treaty of Amity and Commerce of the same date, and also in a Consular Convention in 1788, important privileges were conceded by The United States to France, in carrying on belligerent operations in the Neutral Ports of The United States.

On the rupture between France and England, at the commencement of the French Revolution, these Engagements became a source of great embarrassment to The United States. A grave question arose, how far The United States could preserve their Neutrality, consistently with these engagements. 2 of the Members of the Administration considered that the *casus fœderis* was one of defensive War on the part of France, and that the present War was offensive; and that, consequently, the *casus fœderis* did not exist. The remaining Members of the Administration thought it not necessary to decide the question; and President Washington is not known to have avowed an opinion on the subject. On principles of general policy, in reference to the welfare of the Country, until it should become necessary positively to decide the question, the Proclamation of Neutrality was issued on the 22d April, 1793. This Proclamation, taken in connexion with some of the Provisions of the Treaty with England, of 1794, and the measures of the American Executive, in pursuance of the same policy, and particularly in prohibiting, under the Provisions of the British Treaty,

the sale in our Ports of Prizes made by the French, which had been long practised under the Treaty with France, of 1778, was regarded by the Authorities of France as an infraction of the Treaties subsisting between the 2 Governments. Measures of retaliation and reprisal, as they were called, were adopted by its Government, in the operation of which, vast injury accrued to the lawful commerce of The United States. The various Decrees of the French Government against our commerce, enforced, as they were, with extreme rigor, led the Congress of The United States, by a Law, approved 7th July, 1798, to enact, "that The United States are of right freed and exonerated from the Stipulations of the Treaties and of the Consular Convention heretofore concluded between The United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or Citizens of The United States." Laws were also passed to protect the commerce of The United States, and authorizing resistance to the armed Vessels of France.

Against this nullification of the Treaties and Convention, France protested, and professed a readiness for an amicable adjustment of the differences between the 2 Governments.

After one ineffectual Mission on behalf of The United States, a second was sent, in pursuance of overtures made by the Government of France, which succeeded in the Negotiation of a Convention.

The 1st point of the Instructions to Messrs. Ellsworth, Davie, and Murray, the Envoys who negotiated the Convention, was, the indemnification of our Citizens who had suffered by the illegal acts of the French Government. Our Commissioners were forbidden to conclude a Treaty which did not provide for this object. Their Instructions on this head are expressed in the following terms: "1st. At the opening of the Negotiation, you will inform the French Ministers that The United States expect from France, *as an indispensable condition of the Treaty*, a Stipulation to make to the Citizens of The United States a full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal Captures or Condemnations of their Vessels or other property." At the close of the Instructions, the following Articles are declared to be *ultimata*:

"1. That an Article be inserted for establishing a Board, with suitable powers, to hear and determine the Claims of our Citizens, for the causes hereinbefore expressed, and binding France to pay or secure payment for the sums which may be awarded.

"2. That the Treaties and Consular Convention, declared to be no longer obligatory by Act of Congress, be not, in whole, or in part, revived by the new Treaty; but that all the Engagements to which The United States are to become Parties, be specified in the new Treaty.

" 3. That no guarantee of the whole or any part of the Dominions of France, be stipulated, or any Engagement made of the nature of an Alliance.

" 4. That no Aid or Loan be promised in any manner whatever.

" 5. That no Engagement be made, inconsistent with the obligations of any prior Treaty; and, as it may respect our Treaty with Great Britain, the Instruction herein, marked 21, is to be particularly observed.

" 6. That no Stipulation be made, granting powers to Consuls or others, under color of which Tribunals can be established within our jurisdiction, or personal privileges be claimed by Frenchmen, incompatible with the complete sovereignty of The United States, in matters of policy, commerce, and government."

The French Commissioners admitted the principle that compensation ought to be made for the spoliations on our commerce; but they denied the right of The United States to abrogate or suspend the Treaties and Convention, and contended, that, if indemnity were made for the spoliations, all ground for refusing to France the continued benefits of the Treaties and Convention was withdrawn. The continuance of these benefits our Commissioners were instructed, in no event, to concede; but they offered France a large commutation in money for them, which the French Negotiators refused to accept.

Without recapitulating the history of the Negotiation, which was, for the first time, made public on the 20th May, 1826,* by the communication of a voluminous mass of Papers, in answer to a call on the Executive by the Senate of The United States, the Committee will only add, that our Envoys found it absolutely impossible to conclude a Treaty, without a recognition of the continued obligation of the old Treaties, and of the Consular Convention, which they were expressly forbidden by their Instructions to admit. The French Ministers decided, as an *ultimatum*, that they would not assent to the abrogation of the old Treaties and Convention, even for the consideration of the renunciation of the Claims of the Citizens of The United States on the French Government. They were willing to give up, as an equivalent for said Claims, the pecuniary Claims of the French Government and Citizens upon the Government of The United States, together with all the other rights belonging to France under the Treaties and Convention, save only the right of entrance of French Cruizers and their Prizes into the Ports of The United States; and that was precisely one of the most onerous of the old Engagements from which The United States desired a release. The Instructions of our Envoys, already cited, left them no discretion on this point.

* See Vol. 1825, 1826. Page 1143.

With a view to relieve The United States from these great embarrassments, and to avert the evils of open War with France, which impended, our Envoys proposed to negotiate a Convention for the establishment of the Relations which should henceforward subsist between the 2 Governments, and to incorporate therein an Article which should recognize the existence of Claims of the Parties respectively, and refer them to future Negotiation. To this proposal the French Ministers yielded, and a Convention was concluded, of which the IInd Article contained the recognition and reference alluded to, in the following terms :

“ The Ministers Plenipotentiary of the 2 Parties not being able to agree at present respecting the Treaty of Alliance of 6th February, 1778, the Treaty of Amity and Commerce of the same date, and the Convention of 14th November, 1788, nor upon the Indemnities mutually due or claimed, the Parties will negotiate further on these subjects at a convenient time ; and, until they may have agreed upon these points, the said Treaties and Convention shall have no operation, and the relations of the 2 Countries shall be regulated as follows.”

The Senate of The United States, unwilling, probably, to reserve for future agitation a subject so embarrassing as the demands of France under the old Treaties, advised the Ratification of the Treaty with the exception of the IInd Article. The First Consul of France assented to this exception with reluctance, and only on condition that a Supplementary Note should be added, declaring expressly that the Claims were mutually renounced. This was done ; and, with this addition, the Convention was again submitted to the Senate of The United States, who resolved that they considered it fully ratified.*

In this way were the Claims of our Citizens expressly renounced, with a view to a great national object, which was thereby secured. On this foundation, the appeal of the Claimants is made to their own Government for compensation.

The Committee are of opinion that their appeal is supported by reason and justice, and that some compensation ought to be made.

* See Laws of The United States. Vol. 1. Page 132.

TREATY between His Britannic Majesty and His Majesty the King of The Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves.—Signed at The Hague, 4th May, 1818.

Au nom de la Très Sainte Trinité.

SA Majesté le Roi des Pays Bas, et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, animées d'un désir mutuel d'adopter les mesures les plus efficaces pour empêcher le Commerce des Esclaves par leurs Sujets, et prévenir que d'autres Nations qui s'y trouvent engagées ne se servent de leurs Pavillons respectifs pour protéger cet odieux trafic ; leurs dites Majestés ont résolu de procéder à la conclusion d'un Traité pour atteindre ce double but, et ont nommé à cette fin leurs Plénipotentiaires, *ad hoc*, savoir :

Sa Majesté le Roi des Pays Bas, le Sieur Anne, Willem Carel Baron de Nagell d'Ampsen, Membre du Corps des Nobles de la Province de Gueldre, Grand-Croix des Ordres du Lion Belgique et de Charles III., son Chambellan et Ministre d'Etat ayant le Département des Affaires Etrangères ; et le Sieur Cornelis Felix van Maanen, Commandeur de l'Ordre du Lion Belgique, son Ministre d'Etat ayant le Département de la Justice ; et Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Richard Comte de Clancarty, Vicomte Dunlo,

In the Name of the Most Holy Trinity.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of The Netherlands, animated with a mutual desire to adopt the most effectual measures for putting a stop to the carrying on of the Slave-trade by their respective Subjects, and for preventing their respective Flags from being made use of as a protection to this nefarious traffic, by the People of other Countries who may engage therein ; their said Majesties have accordingly resolved to proceed to the arrangement of a Convention for the attainment of their objects, and have therefore named as Plenipotentiaries, *ad hoc* :

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally, in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipoten-

Baron Kilconnel, Baron Trench de Garbally, du Royaume Uni de la Grande Bretagne et de l'Irlande, Conseiller en son Conseil Privé de la Grande Bretagne et de l'Irlande, Membre du Comité du Premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Chevalier Grand-Croix du Très Honorable Ordre du Bain, son Ambassadeur Extraordinaire et Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg ; les quels, après avoir échangé leurs Pleinpouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Les Lois du Royaume Uni de la Grande Bretagne et de l'Irlande, assujettissant déjà à de très graves peines, les Sujets de Sa Majesté Britannique, qui font la Traite des Nègres ou qui y seront concernés d'une manière quelconque, Sa Majesté le Roi des Pays Bas, se référant à l'Article VIII. de la Convention conclue avec Sa Majesté Britannique le 13 Août, 1814,* s'engage en conséquence à défendre, dans le terme de 8 mois après la Ratification des présentes, ou plutôt si faire se pourra, à tous ses Sujets, de la manière la plus efficace, et spécialement par les Loix Pénales les plus formelles, de prendre aucune part quelconque à la Traite des Nègres ; au cas que les mesures

tiary of His said Majesty to His Majesty the King of The Netherlands, Grand Duke of Luxembourg ; and His Majesty the King of The Netherlands, Anne, William Charles Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion and of that of Charles III, Chamberlain and Minister of State, holding the Department of Foreign Affairs ; and Cornelius Felix Van Maanen, Commander of the Order of the Belgic Lion, and Minister of State, holding the Department of Justice ; who, having exchanged their Full Powers, found in good and due form, have agreed on the following Articles :

ART. I. The Laws of the United Kingdom of Great Britain and Ireland rendering it already highly penal for the Subjects of His Britannic Majesty to carry on, or to be in any way engaged in Trade in Slaves, His Majesty the King of The Netherlands, referring to the VIIIth Article of the Convention entered into with His Britannic Majesty on the 13th August, 1814,* engages in pursuance thereof, and within 8 months from the Ratification of these presents, or sooner if possible, to prohibit all his Subjects, in the most effectual manner, and especially by Penal Laws the most formal, to take any part whatever in the Trade of Slaves : and in the event of the measures already

* See Commercial Treaties, Vol. I. Page 363.

répressives contre la Traite des Nègres, déjà prises par le Gouvernement de la Grande Bretagne, et à prendre par celui des Pays Bas, fussent trouvées inefficaces ou insuffisantes, les Hautes Parties Contractantes s'engagent à y pourvoir par de nouvelles mesures législatives ou réglementaires les plus propres à atteindre le but qu'elles se proposent par le présent Traité.

II. Afin d'atteindre plus complètement le but de prévenir tout commerce d'Esclaves de la part de leurs Sujets respectifs, les 2 Hautes Parties Contractantes consent mutuellement à ce que les Vaisseaux de leurs Marines Royales qui seront munis d'Instructions Spéciales à cet effet, telles qu'on les trouve mentionnées ci-après, pourront visiter tels Navires Marchands des 2 Nations, qui sur des présomptions raisonnables, seraient suspects d'avoir des Esclaves à bord, destinés pour un commerce illicite, et dans le cas seulement qu'ils trouveraient de pareils Esclaves à bord, ils pourront arrêter et amener les Navires, afin d'être mis en jugement par devant les Tribunaux établis pour cet objet, ainsi qu'il sera spécifié plus bas.

III. Afin d'expliquer le mode d'exécution de l'Article précédent, il est convenu ;

1^o. Que ce droit réciproque de visitation et d'arrestation ne saurait être exercé dans la Mer Méditerranée, ni dans les Mers Européennes, situées hors du Détroit

taken by the British Government, and to be taken by that of The Netherlands, being found ineffectual or insufficient, the High Contracting Parties mutually engage to adopt such further measures, whether by legal provision or otherwise, as may from time to time appear to be best calculated, in the most effectual manner, to prevent all their respective Subjects from taking any share whatever in this nefarious traffic.

II. The 2 High Contracting Parties, for the more complete attainment of the object of preventing all traffic in Slaves, on the part of their respective Subjects, mutually consent that the Ships of their Royal Navies, which shall be provided with Special Instructions for this purpose, as herein-after mentioned, may visit such Merchant Vessels of the 2 Nations, as may be suspected, upon reasonable grounds, of having Slaves on board for an illicit traffic ; and in the event only of their finding such Slaves on board, may detain and bring away such Vessels, in order that they may be brought to trial before the Tribunals established for this purpose, as shall herein-after be specified.

III. In the intention of explaining the mode of execution of the preceding Article, it is agreed ;

1st. That such reciprocal right of visit and detention shall not be exercised within the Mediterranean Sea, or within the Seas in Europe lying without the Straits

de Gibraltar, au nord de la 37^e parallèle de latitude septentrionale, et à l'est du méridien de longitude, au 20 degré à l'ouest de Greenwich.

2°. Que les noms des différens Vaisseaux, munis de pareilles Instructions, leurs forces respectives et les noms des Commandans, seront communiqués de tems en tems et à mesure de la délivrance d'icelles, par la Puissance, qui en fait l'expédition à l'autre Haute Partie Contractante.

3°. Que le nombre des Vaisseaux de chacune des Marines Royales autorisés à exécuter la visitation susdite, ne pourra excéder le nombre de 12, appartenant à chacune des Hautes Parties Contractantes, sans le consentement exprès de l'autre Puissance, préalablement obtenu.

4°. Pour le cas, où il serait jugé nécessaire, qu'un Vaisseau de la Marine Royale de l'une ou de l'autre des 2 Hautes Parties Contractantes, à ce autorisé procédât à visiter un ou plusieurs Navires Marchands sous le Pavillon, et sous le Convoi d'un ou de plusieurs Vaisseaux de la Marine Royale de l'autre Haute Partie Contractante, l'Officier Commandant du Vaisseau dûment autorisé et commissionné à faire pareille visitation, y procédera conjointement avec l'Officier qui commande le Convoi, lequel accordera toute facilité à pareille visite et à la détention éventuelle des Vaisseaux Marchands ainsi visités, et contribuera de tout son

of Gibraltar, and which lie to the northward of the 37th parallel of north latitude, and also within, and to the eastward of the meridian of longitude 20 degrees west of Greenwich.

2nd. That the names of the several Vessels furnished with such Instructions, the force of each, and the names of their several Commanders shall be, from time to time, immediately upon their issue, communicated by the Power issuing the same to the other High Contracting Party.

3rd. That the number of Ships of each of the Royal Navies authorized to make such visit as aforesaid, shall not exceed the number of 12, belonging to either of the High Contracting Parties, without the special consent of the other High Contracting Party being first had and obtained.

4th. That if at any time it should be deemed expedient that any Ship of the Royal Navy of either of the 2 High Contracting Parties, authorized to make such visit as aforesaid, should proceed to visit any Merchant Ship or Ships under the Flag, and proceeding under the Convoy of any Vessel or Vessels of the Royal Navy of the other High Contracting Party, that the Commanding Officer of the Ship duly authorized and instructed to make such visit, shall proceed to effect the same in communication with the Commanding Officer of the Convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detainer

pouvoir à l'exécution de la présente Convention, conformément à son intention et son motif.

5°. Il est aussi convenu, que les Commandans des Vaisseaux des 2 Marines Royales qui seront employés à ce service devront s'en tenir strictement à l'exacte teneur des Instructions, qu'ils recevront à cet effet.

IV. Les 2 Articles précédens étant entièrement réciproques, les 2 Hautes Parties Contractantes s'engagent mutuellement à indemniser leurs Sujets respectifs de toutes les pertes, qu'ils pourront essuyer injustement par la détention illégale et arbitraire de leurs Vaisseaux ; il est entendu que cette Indemnisation sera invariablement à la charge du Gouvernement dont les Croiseurs se seront rendus coupables de la détention arbitraire ; et que la visitation et la détention des Navires désignés dans ces Articles ne sauraient être effectuées que par ceux d'entre les Vaisseaux des Pays Bas et Britanniques, qui, non seulement font partie des 2 Marines Royales, mais qui seront munis des Instructions Spéciales annexées au présent Traité, et en se conformant aux dispositions d'icelles.

V. Nul Croiseur des Pays Bas ou Britannique ne pourra détenir un Navire quelconque, s'il n'a pas actuellement des Esclaves à bord, et afin de rendre légale la détention d'un Batiment, soit des Pays Bas ou Britanniques, les Esclaves [1817—18.]

of the Merchant Ship or Ships so visited, and in all things assist to the utmost of his power in the due execution of the present Convention, according to the true intent and meaning thereof.

5th. It is further mutually agreed, that the Commanders of the Ships of the 2 Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the Instructions which they shall receive for this purpose.

IV. As the 2 preceding Articles are entirely reciprocal, the 2 High Contracting Parties engage mutually to make good any losses which their respective Subjects may incur unjustly, by the arbitrary and illegal detention of their Vessels ; it being understood that this Indemnity shall invariably be borne by the Government whose Cruizer shall have been guilty of the arbitrary detention ; and that the visit and detention of Ships specified in this Article shall only be effected by those British or Netherland Vessels which may form part of the 2 Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

V. No British or Netherland Cruizer shall detain any Ship whatever not having Slaves actually on board ; and in order to render lawful the detention of any Ship, whether British or Netherland, the Slaves found on board

trouvés à bord d'un pareil Navire doivent y avoir été conduits dans le dessein exprès d'en faire trafic.

VI. Les Vaisseaux de la Marine Royale des 2 Nations, qui par la suite seront destinés à prévenir le commerce des Esclaves, seront munis par leur Gouvernement respectif d'une Copie des Instructions annexées au présent Traité, et duquel elles seront considérées comme faisant partie intégrante.

Ces Instructions seront en Hollandais et en Anglais, et signées pour les Vaisseaux de chacune des 2 Puissances, par les Ministres de leur Marine respective.

Les 2 Hautes Parties Contractantes se réservent la faculté d'altérer les dites Instructions, soit en tout, soit en partie, d'après les circonstances. Bien entendu cependant, que les dites altérations ne pourront se faire que d'un accord mutuel, et du consentement des 2 Parties Contractantes.

VII. Afin d'amener en jugement avec le moins de délai et d'inconvénients, les Navires qui seront détenus pour être engagés dans le commerce des Esclaves, aux termes de l'Article V du présent Traité, il sera établi, dans l'espace d'un an au plus tard, à dater de l'échange des Ratifications du présent Traité, 2 Cours de Justice Mixtes, composées d'un nombre égal d'individus des 2 Nations, nommés à cet effet par leurs Souverains respectifs.

Ces Cours résideront, l'une dans une Possession appartenant

such Vessel must have been brought there for the express purpose of the traffic.

VI. All Ships of the Royal Navies of the 2 Nations, which shall hereafter be destined to prevent the traffic in Slaves, shall be furnished by their respective Governments with a Copy of the Instructions annexed to the present Treaty, and which shall be considered as an integral part thereof.

These Instructions shall be written in the Dutch and English languages, and signed for the Vessels of each of the 2 Powers, by the Minister of their respective Marine.

The 2 High Contracting Parties reserve the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being, however, well understood, that the said alterations cannot take place but by the common agreement, and by the consent of the 2 High Contracting Parties.

VII. In order to bring to adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in a traffic of Slaves, according to the tenor of the Vth Article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the Ratifications of the present Treaty, 2 Mixed Courts of Justice, formed of an equal number of Individuals of the 2 Nations, named for this purpose by their respective Sovereigns.

These Courts shall reside,—one in a Possession belonging to His

à Sa Majesté le Roi des Pays Bas, et l'autre sur le Territoire de Sa Majesté Britannique: les 2 Gouvernemens, à l'époque de l'échange des Ratifications du présent Traité déclareront, chacun pour ses propres Domaines, en quels endroits les Cours résideront. Chacune des 2 Hautes Parties Contractantes se réservant de changer, selon que bon lui semblera, le lieu de la résidence de la Cour établie dans ses propres Domaines. Pourvu néanmoins que l'une des 2 Cours soit toujours tenue dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et l'autre sur la Côte d'Afrique.

Ces Cours jugeront sans appel les Causes qui leur seront soumises aux termes du présent Traité, et conformément aux Règlemens et Instructions y annexées, du quel ils seront considérés comme partie intégrante.

VIII. Dans le cas où les Officiers Commandans des Vaisseaux des Marines Royales des Pays Bas et Britannique, commissionnés aux termes de l'Article II, s'écarteraient des dispositions du présent Traité, de quelque manière que ce fut, et qu'il ne seraient pas en état de se justifier, soit par la teneur du Traité même, soit par celle des Instructions y annexées, le Gouvernement qui se croira lésé par une telle conduite aura droit de demander réparation, et en tel cas le Gouvernement au quel les dits Officiers Commandans appartiennent

Britannic Majesty, the other within the Territories of His Majesty the King of The Netherlands; and the 2 Governments, at the period of the exchange of the Ratifications of the present Treaty, shall declare, each for its own Dominions, in what places the Courts shall respectively reside. Each of the 2 High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own Dominions; provided, however, that one of the 2 Courts shall always be held upon the Coast of Africa, and the other in one of the Colonial Possessions of His Majesty the King of The Netherlands.

These Courts shall judge the Causes submitted to them according to the terms of the present Treaty, without appeal, and according to the Regulations and Instructions annexed to the present Treaty, of which they shall be considered as an integral part.

VIII. In case the Commanding Officer of any of the Ships of the Royal Navies of Great Britain, and of The Netherlands, commissioned under the IInd Article of this Treaty, shall deviate in any respect from the dispositions of the said Treaty, and shall not be enabled to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it; the Government which shall conceive itself to be wronged by such conduct, shall be entitled to demand reparation, and in such case the Government to which the Captor may belong

dront, s'oblige à faire instituer des enquêtes au sujet de la plainte, et à infliger, lors qu'elle serait trouvée fondée, une punition proportionnée à la transgression commise.

IX. Les Actes ou Instrumens annexés au présent Traité, et qui en forment partie intégrante, sont les suivans :

A. Les Instructions pour les Vaisseaux des Marines Royales des 2 Nations, destinés à prévenir le commerce des Esclaves.

B. Les Réglemens pour les Cours de Justice Mixtes, qui siègeront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et sur la Côte d'Afrique.

X. Le présent Traité consistant en 10 Articles sera ratifié, et les Ratifications échangées dans l'espace d'un mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signés et y ont apposés le Cachet de leurs Armes.

Fait à la Haye, le 4 Mai, de l'an de Grâce, 1818.

(L. S.) CLANCARTY.

(L. S.) A. W. C. DE NAGELL.

(L. S.) VAN MAANEN.

ANNEXES.

Instructions pour les Vaisseaux des Marines Royales des Pays Bas et de la Grande Bretagne, employés à prévenir le Trafic d'Esclaves.

I. Tout Vaisseau des Marines

binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed.

IX. The Acts or Instrumens annexed to this Treaty, and which form an integral part thereof, are as follows :

A. Instructions for the Ships of the Royal Navies of both Nations, destined to prevent the traffic in Slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the Coast of Africa, and in one of the Colonial Possessions of His Majesty the King of The Netherlands.

X. The present Treaty, consisting of 10 Articles, shall be ratified, and the Ratifications exchanged within the space of 1 month from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and thereunto affixed the Seal of their Arms.

Done at the Hague, this 4th day of May, in the year of our Lord, 1818.

(L. S.) CLANCARTY.

(L. S.) A. W. C. DE NAGELL.

(L. S.) VAN MAANEN.

ANNEXES.

Instructions for the Ships of the British and Netherland Royal Navies, employed to prevent the Traffic in Slaves.

I. Every Ship of the Royal

Royales des Pays Bas ou Britanique qui, muni des présentes Instructions, aura, en conformité de l'Article II. du Traité de ce jour, le droit de visiter les Navires Marchands de chacune des 2 Puissances actuellement engagés, ou suspects d'être engagés dans le commerce des Esclaves, y pourra procéder, hormis dans les mers exceptées par l'Article III du dit Traité, et s'il se trouvent des Esclaves à bord dans le dessein exprès d'en faire le trafic, le Commandant du dit Vaisseau de la Marine Royale aura le pouvoir de les détenir, et en cas de détention d'un Navire, il le conduira, afin d'être mis en jugement aussitôt que possible devant celle des 2 Cours établies par l'Article VII du Traité de ce jour, qui se trouvera la plus proche, ou que lui, Commandant du Vaisseau Capteur, jugera, sous sa responsabilité personnelle, pouvoir le plutôt atteindre, à partir du point sur le quel le Navire Marchand aura été visité et détenu.

Les Navires à bord des quels on ne trouvera point d'Esclaves destinés à des objets de commerce, ne seront détenus sous aucune raison ou prétexte quelconques.

Des Domestiques ou Matelots Nègres trouvés à bord des dits Navires, ne pourront en aucun cas être estimés une cause suffisante de détention.

II. Toutes les fois qu'un Vaisseau des Marines Royales à ce commissionné, rencontrera un Navire Marchand, sujet à la visite, celle ci se fera, de la manière

British or Netherland Navy, which, furnished with these Instructions, shall in conformity with the IInd Article of the Treaty of this date, have a right to visit the Merchant Ships of either of the 2 Powers actually engaged, or suspected to be engaged in the Slave-trade, may, except in the seas exempted by the IIIrd Article of the said Treaty, proceed to such visit, and should any Slaves be found on board, brought there for the express purpose of the traffic, the Commander of the said Ship of the Royal Navy may detain them, and having detained them, he is to bring them as soon as possible for judgment, before that of the 2 Mixed Courts of Justice, appointed by the VIIth Article of the Treaty of this date, which shall be the nearest, or which the Commander of the capturing Ship shall, upon his own responsibility, think he can soonest reach from the spot where the Ship shall have been detained.

Ships, on board of which no Slaves shall be found, intended for purposes of traffic, shall not be detained on any account or pretence whatever.

Negro Servants or Sailors that may be found on board the said Vessels cannot, in any case, be deemed a sufficient cause for detention.

II. Whenever a Ship of the Royal Navy, so commissioned, shall meet a Merchantman liable to be searched, it shall be done in the mildest manner, and with

la plus honnête et avec toutes les attentions, que se doivent réciproquement 2 Nations amies et alliées; en aucun cas la recherche ne pourra être faite par un Officier d'un grade inférieur à celui de Lieutenant de la Marine des Pays Bas et de la Grande Bretagne.

III. Les Vaisseaux des Marines Royales ainsi commissionnés, qui viendront à détenir un Navire Marchand, d'après la teneur des présentes Instructions, laisseront à bord la cargaison entière sans y toucher, aussi bien que le Patron et au moins une partie de l'Equipage du dit Navire.

Le Capitaine capteur couchera par écrit une Déclaration authentique, qui articulera l'état dans lequel il a trouvé le Navire détenu, et les changemens qui pourront y être survenus.

Il délivrera au Patron du Navire détenu un Certificat signé, des Papiers saisis à bord du dit Navire, aussi bien que du nombre d'Esclaves trouvés à son bord, au moment de la détention.

Les Nègres, ne seront point débarqués, avant que les Navires qui les contiennent ne soient arrivés au lieu, où la légalité de la Capture doit être jugée par une des Cours Mixtes, à l'effet que dans le cas où ils ne seraient point adjugés Prises légales, la perte des propriétaires puisse d'autant plus aisément être réparée.

Si néanmoins des motifs urgens tirés de la longueur du Voyage, de l'état sanitaire des Nègres ou d'autres causes requéraient qu'ils

every attention which is due between allied and friendly Nations; and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navies of Great Britain and of The Netherlands.

III. The Ships of the Royal Navies so commissioned, which may detain any Merchant Ship, in pursuance of the tenor of the present Instructions, shall leave on board all the Cargo, as well as the Master, and a part at least of the Crew of the above-mentioned Ship: the Captor shall draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it. He shall deliver to the Master of the detained Ship, a signed Certificate of the Papers seized on board the said Vessel, as well as of the number of Slaves found on board at the moment of detention.

The Negroes shall not be disembarked, till after the Vessels which contain them shall be arrived at the Place where the legality of the Capture is to be tried by one of the 2 Mixed Courts, in order that, in the event of their not being adjudged legal Prize, the loss of the Proprietors may be more easily repaired. If, however, urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, required that they should be disembarked entirely or

fassent débarqués en totalité ou en partie, avant que le Navire pût arriver au lieu de la résidence de l'une des dits Cours, le Commandant du Vaisseau Capteur peut prendre sur soi la responsabilité d'un semblable débarquement, pourvu que la nécessité en soit constatée par un Certificat en due forme.

Règlement pour les Cours de Justice Mixtes qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et sur la Côte d'Afrique.

ART. I. Les Cours de Justice Mixtes, à établir d'après le Traité de ce jour dans une des Possessions Coloniales de Sa Majesté le Roi des Pays-Bas, et sur la Côte d'Afrique sont constituées à l'effet de décider de la légalité de la détention des Navires, que les Croiseurs des 2 Nations viendront arrêter, en vertu du dit Traité.

Les Cours sus-mentionnées décideront définitivement et sans appel, conformément aux stipulations du Traité.

La procédure aura lieu aussi sommairement que possible, et les Cours sont requises de prononcer, (pour autant qu'elles le trouveront praticable,) dans l'espace de 20 jours, à dater de celui, auquel le Navire détenu aura été conduit dans les Ports où les Cours résident. Elles jugeront en premier lieu de la légalité de la Capture, et en second lieu (dans le cas où le Navire capturé viendra à être absous,) de l'indemnisation à donner au Navire capturé.

in part, before the Vessel could arrive at the place of residence of one of the said Courts, the Commander of the capturing Ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a Certificate in proper form.

Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty the King of The Netherlands.

ART. I. The Mixed Courts of Justice, to be established by the Treaty of this date, upon the Coast of Africa, and in a Colonial Possession of His Majesty the King of The Netherlands, are appointed to decide upon the legality of the detention of such Vessels as the Cruizers of both Nations shall detain in pursuance of this same Treaty.

The above-mentioned Courts shall judge definitively and without appeal, according to the present Treaty.

The proceeding shall take place as summarily as possible: the Courts are required to decide (as far as they shall find it practicable), within the space of 20 days, to be dated from that on which every detained Vessel shall have been brought into the Port where they shall reside;—first, upon the legality of the Capture;—secondly, in the cases in which the captured Vessel shall have been liberated, as to the indemnification which the said Vessel is to receive.

Et il est statué par les présentes que dans tous les cas, la Sentence définitive ne pourra être différé pour cause d'absence des témoins, ou par défaut d'autres preuves, au delà du terme de 2 mois, à moins que ce ne soit à la demande d'une des Parties intéressées, en quel cas et moyennant qu'elles fournissent sûreté suffisante, qu'elles se chargeront elles mêmes des frais et risques du délai, les Cours auront le pouvoir discrétionnaire d'accorder un délai additionnel, qui n'excédera pas 4 mois.

II. Chacune des Cours Mixtes susmentionnées, qui résideront dans une des Possessions Coloniales de Sa Majesté le Roi des Pays Bas et sur la Côte d'Afrique, sera composée de la manière suivante.

Les 2 Hautes Parties Contractantes nommeront chacune un Juge et un Arbitre, qui seront autorisés à prendre connaissance et à décider sans appel de tous les cas de Capture de Navire, qui, en suite des Stipulations du Traité de ce jour viendront à être portés devant eux. Toutes les parties essentielles des procédures portées par devant les dites Cours Mixtes seront couchées par écrit dans la langue légale du Pays, où les Cours résideront.

Les Juges et les Arbitres prêteront serment des mains du principal Magistrat de l'Endroit, où les Cours résideront; de juger loyalement et fidèlement, de n'accorder aucune préférence, soit aux Réclamans soit aux Capteurs, et de se conduire dans toutes leurs dé-

And it is hereby provided, that in all cases the final Sentence shall not be delayed on account of the absence of Witnesses, or for want of other proofs, beyond the period of 2 months, except upon the application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay not exceeding 4 months.

II. Each of the above-mentioned Mixed Courts, which are to reside on the Coast of Africa, and in a Colonial Possession of His Majesty The King of The Netherlands, shall be composed in the following manner:

The 2 High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorised to hear and to decide without appeal all cases of Capture of Vessels which, in pursuance of the Stipulations of the Treaty of this date, shall be brought before them. All the essential parts of the proceedings carried on before these Mixed Courts shall be written down in the legal language of the Country in which the Court may reside.

The Judges and the Arbitrators shall make oath before the principal Magistrate of the Place in which the Courts may reside, to judge fairly and faithfully, to have no preference either for the Claimants or the Captors, and to act in all their decisions, in pursuance of

cisions, conformément aux Stipulations du Traité de ce jour.

A chaque Cour sera attaché un Secrétaire ou Greffier, établi par le Souverain du Pays, où la Commission résidera, le quel enregistrera tous les Actes de celle-ci, et qui, avant de prendre possession de sa charge, prêtera serment par devant la Cour, de se conduire respectueusement à son égard et d'en agir avec fidélité dans toutes les affaires du ressort de sa charge.

III. La manière de procéder sera comme suit :

Les Juges des 2 Nations procéderont en premier lieu, à l'examen des Papiers du Navire, et à recevoir les Dépôts du Capitaine et de 2 ou 3 des principaux Individus, au moins, du Navire amené, aussi bien que la Déclaration assermentée du Capteur, si elle paraissait nécessaire ; afin d'être en état de juger et de prononcer, si le Navire a été détenu justement ou non, conformément aux Stipulations du Traité, et afin qu'en vertu de ce jugement, le Navire puisse être condamné ou absous. Et dans le cas où les 2 Juges ne s'accorderaient pas sur la Sentence à prononcer par eux, soit quant à la légalité de la détention, soit quant à l'indemnisation à allouer, ou sur toute autre question qui pourrait résulter des Stipulations du Traité, ils tireront au sort le nom de 1 des 2 Arbitres, le quel, après avoir examiné les Documents du Procès, délibérera avec les Juges susmentionnés, sur le cas existant, et la Sentence

the Stipulations of the Treaty of this date.

There shall be attached to each Court a Secretary or Registrar, appointed by the Sovereign of the Country in which the Court may reside, who shall register all its Acts, and who, previous to his taking charge of his post, shall make oath before the Court, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.

III. The form of the Process shall be as follows :

The Judges of the 2 Nations shall, in the first place, proceed to the examination of the Papers of the Vessel, and to receive the Depositions of the Captain and of 2 or 3 at least of the principal Individuals on board of the detained Vessel, as well as the Declaration on oath of the Captor, should it appear necessary, in order to be able to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the present Treaty, and in order that according to this judgment it may be condemned or liberated. And in the event of the 2 Judges not agreeing in the Sentence they ought to pronounce, whether as to the legality of the detention, or the Indemnification to be allowed, or any other question which might result from the Stipulations of the present Treaty, they shall draw by lot the name of 1 of the 2 Arbitrators, who, after having considered the Documents of the

finale sera prononcée conformément à l'opinion de la majorité des Juges et de l'Arbitre susmentionné.

IV. Dans les Déclarations authentiques que le Capteur sera tenu de faire par devant la Cour, ainsi que dans le Certificat des Papiers saisis, qui sera délivré au Capitaine du Navire Capturé, lors de sa détention, le susdit Capteur sera tenu de déclarer son nom et celui de son Vaisseau, aussi bien que la latitude et la longitude, de l'Endroit où la détention a eu lieu, et le nombre des Esclaves trouvés à bord du Navire capturé au moment de sa détention.

- V. Aussitôt après que la Sentence aura été prononcée, le Navire détenu, s'il est libéré, et sa Cargaison dans l'état où elle se trouvera alors, seront restitués au Patron, ou à celui qui le représente, le quel pourra réclamer, par devant la même Cour, une évaluation des dommages, qu'il pourrait avoir droit de demander : le Capteur lui même, et à son défaut, son Gouvernement, restera responsable des dits dommages.

Les 2 Hautes Parties Contractantes s'obligent à payer, dans l'espace d'une année après la date de la Sentence, les frais et dommages qui pourront être accordés par la Cour susnommée : il est entendu,

Process, shall consult with the above-mentioned Judges on the Case in question, and the final Sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Judges, and of the above-mentioned Arbitrator.

IV: In the authenticated Declaration, which the Captor shall make before the Court, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the Captured Vessel, at the time of the detention, the above-mentioned Captor shall be bound to declare his name, the name of his Vessel, as well as the latitude and longitude of the Place where the detention shall have taken place, and the number of Slaves found on board of the Ship at the time of the detention.

V. As soon as Sentence shall have been pronounced, the detained Vessel, if liberated, and the Cargo, in the state in which it shall then be found, shall be restored to the Master, or the Person who represents him, who may, before the same Court, claim a valuation of the damages, which they may have a right to demand: the Captor himself, and, in his default, his Government, shall remain responsible for the above-mentioned damages.

The 2 High Contracting Parties bind themselves to pay, within the term of a year from the date of the Sentence, the costs and damages which may be granted by the above-named Court; it

que ces frais et dommages tomberont à la charge de la Puissance dont le Capteur sera Sujet.

VI. En cas de condamnation d'un Navire, il sera déclaré Prise légitime, aussi bien que sa Charge, de quelque description qu'elle puisse être, à l'exception des Esclaves, qui pourront être à bord comme objets de commerce; et le dit Navire, aussi bien que sa Charge, sera vendu en vente publique au profit des 2 Gouvernemens; et quant aux Esclaves, ils recevront de la Cour Mixte un Certificat d'Emancipation, et seront remis au Gouvernement sur le Territoire du quel la Cour, qui aura jugé, sera établie, aux fins d'être employés comme domestiques ou travailleurs libres.

Chacun des 2 Gouvernemens s'oblige à la garantie de la liberté de telle portion de ces Individus, qui viendra à y être respectivement consignée.

VII. Les Cours Mixtes connaîtront et jugeront également, et en la forme voulue par l'Article III du présent Règlement, de toute Réclamation pour Compensation, de pertes occasionnées à des Navires détenus sur soupçon de faire le Commerce des Esclaves, mais non condamnés comme Prises légales par les dites Cours; dans tous les cas où la restitution aura été prononcée, les Cours adjudgeront au profit du, ou des Réclamans, ou leurs Ayant Causes légaux, une Indemnisation juste et complète de tous les fraix de procédure, et de toutes les pertes et

being understood that these costs and damages shall be at the expense of the Power of which the Captor shall be a Subject.

VI. In case of the condemnation of a Vessel, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said Vessel, as well as her Cargo, shall be sold by public sale, for the profit of the 2 Governments; and as to the Slaves, they shall receive from the Mixed Court a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Court which shall have so judged them shall be established, to be employed as servants or free labourers.

Each of the 2 Governments binds itself to guarantee the liberty of such portion of these Individuals as shall be respectively consigned to it.

VII. The Mixed Courts shall also take cognizance, and decide according to the IIIrd Article of this Regulation, on all Claims for Compensation, on account of losses occasioned to Vessels detained under suspicion of having been engaged in the Slave Trade, but which shall not have been condemned as legal Prize by the said Courts; and in all cases wherein restitution shall be decreed, the Court shall award to the Claimant or Claimants, his or their lawful Attorney or Attornies, for his or their use, a just and complete Indemnification for

dommages que le, ou les Réclamans, pourraient avoir éprouvés par telle Capture et Détention: les Cours observeront,

1°. Qu'en cas de perte totale, le ou les Réclamans seront indemnisés :

a. Pour le Navire, ses Agrêts, Appareux, et Munitions.

b. Pour tout fret dû et à payer.

c. Pour la valeur de la Cargaison et des Marchandises, s'il y en a, déduction faite des charges et dépenses payables pour la vente de pareilles Cargaisons, y compris la commission de vente.

d. Pour toutes autres charges usitées en cas de perte totale, et

2°. Que dans tous les autres cas de perte, non totale, le ou les Réclamans seront indemnisés :

a. De tout dommage et dépens particuliers, occasionnés au Navire par la perte de fret, dû ou à payer.

b. Pour starie; l'indemnisation due de ce chef sera réglée d'après la Cédule annexée au présent Article.

c. De toute détérioration de la Cargaison.

d. Il leur sera alloué également 5 pour cent du montant du capital employé à l'achat de la Cargaison, pour tout le tems du délai occasionné par la détention; et

e. Un dédommagement pour toute prime d'assurance sur les risques additionnels.

Dans tous les cas le ou les Réclamans auront de plus droit aux intérêts sur le pied de 5 pour cent par an, de la somme adjugée, jus-

all costs of suit, and for all losses and damages which the Claimant or Claimants may have actually sustained by such capture and detention: that is to say,

1st. In case of total loss, the Claimant or Claimants shall be indemnified :

a. For the Ship, her Tackle, Apparel, and Stores.

b. For all freights due and payable.

c. For the value of the Cargo of Merchandize, if any; deducting for all charges and expenses payable upon the sale of such Cargoes, including commission of sale.

d. For all other regular charges, in such cases of total loss; and

2ndly. In all other cases not of total loss, the Claimant or Claimants shall be indemnified :

a. For all special damages and expenses occasioned to the Ship by the detention, and for loss of freight, when due or payable.

b. A Demurrage when due, according to the Schedule annexed to the present Article.

c. For any deterioration of Cargo.

d. An allowance of 5 per cent. on the amount of the capital employed in the purchase of Cargo, for the period of delay occasioned by the detention; and

e. For all premium of insurance on additional risks.

The Claimant or Claimants shall in all cases be entitled to interest, at the rate of 5 per cent. per annum on the sum awarded, until

qu'à son paiement par le Gouvernement, au quel le Vaisseau Capteur appartient: le montant entier de cette indemnisation sera calculé en monnaie du Pays, au quel le Navire Capturé appartient, à liquider d'après le cours du change à l'époque de l'adjudgement.

Les 2 Hautes Parties Contractantes, désirant toute-fois éviter autant que possible, toute espèce de fraude, dans l'exécution du Traité de ce jour, sont convenues, que s'il venait à être prouvé d'une manière évidente et à la conviction des Juges des 2 Nations, et sans avoir recours à la décision d'un Arbitre, que le Capteur a été induit en erreur par une faute volontaire et répréhensible de la part du Capitaine du Navire Capturé; en ce cas seulement, le dit Navire n'aura pas droit à recevoir pendant la durée des jours de sa détention, la starie stipulée par le présent Article.

*Cedule de Starie ou Jour de
Planche pour un Navire de*

100 tonneaux jusqu'à 120 inclusivement	£5	} par jour.
121 do 150 do.	6	
151 do 170 do.	8	
171 do 200 do.	10	
201 do 220 do.	11	
221 do 250 do.	12	
251 do 270 do.	14	
271 do 300 do.	15	

et ainsi de suite en proportion.

VIII. Il ne sera licite, ni aux Juges, ni aux Arbitres, ni au Secrétaire des Cours Mixtes, de demander ou de recevoir d'aucune des Parties concernées dans les Sentences qu'ils prononceront, aucun émolument, sous quelque prétexte que ce puisse être, pour l'accomplissement des devoirs qui

paid by the Government to which the Capturing Ship belongs: the whole amount of such indemnifications being calculated in the money of the Country to which the Captured Ship belongs, and to be liquidated at the exchange current at the time of the award.

The 2 High Contracting Parties, wishing however to avoid, as much as possible, every species of fraud in the execution of the Treaty of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the 2 Nations, and without having recourse to the decision of an Arbitrator, that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship; in that case only, the detained Ship shall not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article.

*Schedule of Demurrage or Daily
Allowance for a Vessel of*

100 tons to 120 inclusive,	£5	} per diem.
121 ditto—150 ditto,	6	
151 ditto—170 ditto,	8	
171 ditto—200 ditto,	10	
201 ditto—220 ditto,	11	
221 ditto—250 ditto,	12	
251 ditto—270 ditto,	14	
271 ditto—300 ditto,	15	

and so on in proportion.

VIII. Neither the Judges nor the Arbitrators, nor the Secretary of the Mixed Court, shall be permitted to demand, or receive from any of the Parties concerned in the Sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which

leur sont imposés par le présent Règlement.

IX. Les 2 Hautes Parties Contractantes sont convenues qu'en cas de décès ou d'empêchement légal, d'un ou de plusieurs des Juges ou des Arbitres composant les Cours Mixtes susmentionnées, leurs postes seront remplis, *ad interim*, de la manière suivante :

Dans la Cour qui siègera dans les Possessions de Sa Majesté le Roi des Pays Bas les places vacantes, qui dépendent de Sa dite Majesté, seront desservies successivement par le Gouverneur ou Vice-Gouverneur, par le principal Magistrat et Secrétaire d'icelles. Quant à la Cour séant dans les Possessions de Sa Majesté Britannique sur la Côte d'Afrique, il est convenu qu'en cas de décès ou empêchement légal, du Juge ou Arbitre des Pays Bas en cet endroit, les Individus survivans de la Cour procéderont au jugement des Navires qui pourraient être traduits par devant eux et à la mise à exécution de leur Sentence.

Les places vacantes de la Cour qui sera établie sur la Côte d'Afrique, et qui dépendent de Sa Majesté Britannique, seront desservies par le Gouverneur ou Vice-Gouverneur, par le Magistrat principal et le Secrétaire du Gouvernement ; en cas de décès ou d'empêchement légal d'un Juge ou Arbitre Britannique appartenant à la Cour établie dans une Colonie des Pays Bas, les Individus survivans se régleront d'après ce qui a été déterminée ci-dessus pour la Cour séant dans les Possessions de Sa Majesté Britannique, en cas de

are imposed upon them by the present Regulation.

IX. The 2 High Contracting Parties have agreed that, in the event of the death or legal impeachment of one or more of the Judges or Arbitrators composing the above mentioned Mixed Courts, their posts shall be supplied, *ad interim*, in the following manner :

On the part of the British Government, the vacancies shall be filled successively in the Court, which shall sit within the Possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that Colony; by the principal Magistrate of the same, and by the Secretary ; and in that which shall sit within the Possessions of His Majesty the King of The Netherlands, it is agreed that, in case of the death of the British Judge or Arbitrator there, the surviving Individuals of the said Court shall proceed equally to the judgment of such Ships as may be brought before them, and to the execution of their Sentence.

On the part of The Netherlands, the vacancies shall be supplied, in the Possessions of His Majesty the King of The Netherlands, successively by the Governor or Lieutenant-Governor, the principal Magistrate and Secretary of Government ; and upon the Coast of Africa, in case of the death of any Netherland Judge or Arbitrator, the surviving Members of the Court shall proceed to judgment, in the same manner as above specified for the Court resident in the Possessions of His Majesty the King of The Netherlands, in the

décès ou empêchement légal d'un Juge ou Arbitre des Pays Bas.

Les Hautes Parties Contractantes sont convenues également, que le Gouverneur ou Vice-Gouverneur des Colonies où se tiendront les séances des Cours Mixtes en cas de vacature d'une place de Juge ou Arbitre de l'autre Haute Partie Contractante, prévendra sans délai le Gouverneur ou Vice-Gouverneur de la Colonie la plus voisine, appartenant à la dite Haute Partie Contractante, afin que l'on puisse y suppléer au plutôt; et chacune des Puissances Contractantes s'engage à remplir définitivement aussitôt que possible, les vacatures qui pourraient subvenir dans les Cours, soit par décès ou par autres causes quelconques.

event of the death of the British Judge or Arbitrator.

The High Contracting Parties have further agreed, that the Governor or Lieutenant-Governor of the Settlement, wherein either of the Mixed Courts shall sit, in the event of a vacancy arising, either of the Judge or Arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the Governor or Lieutenant-Governor of the nearest Settlement of such High Contracting Party, in order that the loss may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies that may arise in the above-mentioned Courts, from death or any other cause whatever.

ACT of the British Parliament, "to carry into execution a Convention made between His Majesty and the King of Portugal, for the preventing Traffic in Slaves."

[Cap. 85.]

[5th June, 1818.]

WHEREAS an Additional Convention to a Treaty of the 22nd of January, 1815,* was made between His Majesty and His Most Faithful Majesty the King of Portugal, for the purpose of preventing illicit Traffic in Slaves, and signed at London on the 28th day of July 1817*: And whereas it was, in the 1st Article of the said Convention, declared to be the object of the said Convention, to prevent the respective Subjects of His Majesty and His Most Faithful Majesty, from carrying on an illicit Slave-trade; and it was also thereby declared, that every Traffic in Slaves carried on under the following circumstances, should be considered as illicit; 1st, either by British Ships and under the British Flag, or for the account of British Subjects by any Vessel or under any Flag whatsoever; 2nd, by Portuguese Vessels in any of the Harbours or Roads of the Coast of Africa, which are prohibited by the 1st Article of the

* See Commercial Treaties Vol. 2. Pages 73, 81.

Treaty of the 22nd of January, 1815; 3rd, under the Portuguese or British Flag, for the account of the Subjects of any other Government; 4th, by Portuguese Vessels bound for any Port not in the Dominions of His Most Faithful Majesty: And whereas it was by the IInd Article of the said Convention declared and agreed, that the Territories in which the Traffic in Slaves continues to be permitted under the Treaty of the 22nd of January 1815, to the Subjects of His Most Faithful Majesty, are the following; 1st, the Territories possessed by the Crown of Portugal upon the Coast of Africa to the South of the Equator, that is to say, upon the Eastern Coast of Africa, the Territory laying between Cape Delgado and the Bay of Lourenço Marques, and upon the Western Coast, all that which is situated from the 8th to the 18th degree of South latitude; 2nd, those Territories on the Coast of Africa to the South of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely, the Territories of Molembo and Cabinda upon the Western Coast of Africa, from the 5th degree 12 minutes to the 8th degree South latitude: And whereas by the IIIrd Article of the said Convention, His Most Faithful Majesty engaged, within the space of 2 months after the exchange of the Ratifications of the said Convention, to promulgate in his Capital and in the other parts of his Dominions, as soon as possible, a Law which should prescribe the punishment of any of his Subjects who may in future participate in an illicit Traffic of Slaves, and at the same time to renew the prohibition which already exists, to import Slaves into the Brazils, under any Flag other than that of Portugal; and His Most Faithful Majesty also engaged to assimilate, as much as possible, the legislation of Portugal, in this respect, to that of Great Britain: And whereas it was, by the IVth Article of the said Convention, declared and agreed, that every Portuguese Vessel which should be destined for the Slave-trade on any point of the African Coast where the Traffic in Slaves should still continue to be lawful, must be provided with a Royal Passport, conformable to the model annexed to the said Convention, and which model formed an integral part of the same, and that every such Passport must be written in the Portuguese language, with an authentic translation in English annexed thereto, and must be signed, for all those Vessels sailing from the Port of Rio Janeiro, by the Minister of Marine, and for all other Vessels which may be intended for the said Traffic, and which may sail from any other Ports of the Brazils, or from any other of the Dominions of His Most Faithful Majesty, not in Europe, the Passports must be signed by the Governor in Chief of the Captaincy to which the Port belongs, and as to those Vessels which may proceed from the Ports of Portugal must be signed by the Secretary of the Government for the Marine Department: And whereas it was declared and agreed, by the Vth

Article of the said Convention, that the Ships of War of the respective Royal Navies of His Majesty and His Most Faithful Majesty, which shall be provided with Special Instructions for that purpose, as hereinafter provided, may visit such Merchant Vessels of the 2 Nations as may be suspected, upon reasonable grounds, of having Slaves on board acquired by an illicit Traffic; and in the event only of their actually finding Slaves on board, may detain and bring away such Vessels, in order that they may be brought to trial before the Tribunals established for that purpose, as specified in the said Convention; provided that the Commanders of the Ships of War of the 2 Royal Navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the Instructions which they shall have received for that purpose; and that as the said Article is entirely reciprocal, the 2 High Contracting Parties engaged in the said Article mutually to make good any losses which their respective Subjects may incur unjustly, by the arbitrary and illegal detention of their Vessels, and that this Indemnity shall invariably be borne by the Government whose Cruizer shall have been guilty of the arbitrary detention; provided that the visit and detention of Slave Ships specified in the said Article, shall only be effected by those British or Portuguese Vessels which may form part of the 2 Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the said Convention: And whereas it was declared and decreed by the VIth Article of the said Convention, that no British or Portuguese Cruizer shall detain any Slave Ship not having Slaves actually on board; and in order to render lawful the detention of any Ship, whether British or Portuguese, the Slaves found on board such Vessel must have been brought there for the express purpose of the Traffic, and those on board Portuguese Ships must have been taken from that part of the Coast of Africa where the Slave-trade was prohibited by the Treaty of the 22nd of January, 1815: And whereas it was declared and agreed, by the VIIth Article of the said Convention, that all Ships of War of the 2 Nations which shall hereafter be destined to prevent the illicit Traffic in Slaves, shall be furnished by their own Government with a Copy of the Instructions annexed to the said Convention, and which shall be considered as an integral part thereof, and that such Instructions shall be written in Portuguese and English, and signed for the Vessels of each of the 2 Powers, by the Minister of their respective Marine, with a reservation of the faculty of altering the said Instructions, in whole or in part, according to circumstances; it being however well understood, that the said alterations cannot take place but by common agreement, and by the consent of the 2 High Contracting Parties: And whereas it was, by the VIIIth Article of the said Convention agreed, that in order to bring to adjudication with the least delay and inconvenience, the

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Vessels which may be detained for having been engaged in an illicit Traffic in Slaves, there shall be established, within the space of a year at furthest from the exchange of the Ratifications of the said Convention, 2 Mixed Commissions, formed of an equal number of Individuals of the 2 Nations, named for the purpose by their respective Sovereigns; and that those Commissions shall reside, one in a Possession belonging to His Majesty, the other within the Territories of His Most Faithful Majesty; and that the 2 Governments, at the period of the exchange of the Ratifications of the said Convention, should declare, each for its own Dominions, in what Places the Commissions shall respectively reside, each of the 2 High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the Commission held within its own Dominions; provided however, that one of the 2 Commissions shall always be held upon the Coast of Africa, and the other in the Brazils; and that these Commissions shall judge the causes submitted to them, without appeal, and according to the Regulations and Instructions annexed to the said Convention, of which they shall be considered as an integral part: And whereas by the IXth Article of the said Convention, His Britannic Majesty, in conformity with the Stipulations of the Treaty of the 22nd of January, 1815, engaged to grant in the manner hereinafter explained, sufficient indemnification to all the Proprietors of Portuguese Vessels and Cargoes captured by British Cruizers, between the 1st day of June, 1814, and the period at which the 2 Commissioners pointed out in the VIIIth Article of the said Convention shall assemble at their respective Posts; and His Majesty and His Most Faithful Majesty did agree, that all Claims of the nature before mentioned, shall be received and liquidated by a Mixed Commission to be held at London, and which shall consist of an equal number of the Individuals of the 2 Nations, named by their respective Sovereigns, and upon the same principles stipulated by the VIIth Article of the said Convention, and by the other Acts which form an integral part of the same; and that the aforesaid Commissioners shall commence their functions 6 months after the Ratification of the said Convention, or sooner if possible: And whereas it was also by the said Convention agreed, that the Proprietors of Vessels captured by the British Cruizers, cannot claim compensation for a larger number of Slaves than that which according to the existing Laws of Portugal they were permitted to transport according to the rate of tonnage of the captured Vessel; and that every Portuguese Vessel captured with Slaves on board for the Traffic, which shall be proved to have been embarked within the Territories of the Coast of Africa situated to the north of Cape Palmas, and not belonging to the Crown of Portugal, as well as all Portuguese Vessels captured with Slaves on board for the Traffic, 6 months after the exchange of the Ratifications of the Treaty of the 22nd of January

1815, and on which it can be proved that the aforesaid Slaves were embarked in the Roadsteads of the Coast of Africa, situated to the North of the Equator, shall not be entitled to claim any indemnification: And whereas by the Xth Article of the said Convention, His Majesty engaged to pay, within the space of a year at furthest from the decision of each Case, to the Individual having a just claim to the same, the sums which shall be granted to them by the Commissioners described in the preceding Articles of the said Convention: And whereas by the XIth Article of the said Convention, His Majesty engaged to pay the £300,000 sterling of indemnification, stipulated by the Convention of the 21st of January, 1815, in favour of the Proprietors of Portuguese Vessels captured by British Cruizers up to the period of the 1st of June, 1814, in the manner following; *videlicet*, the first payment of £150,000 sterling, 6 months after the exchange of the Ratifications of the Convention recited by this Act, and that the remaining £150,000 sterling, as well as the interest at 5 per centum due upon the total sum, from the day of the exchange of the Ratifications of the Convention of the 21st of January, 1815, should be paid 9 months after the exchange of the Ratifications of the Convention recited by this Act; and that the interest due shall be payable up to the day of the last payment; and that all the aforesaid payments shall be made in London to the Minister of His Most Faithful Majesty at the Court of His Majesty, or to the persons whom His Most Faithful Majesty shall think proper to authorize for that purpose: And whereas it was by the XIIth Article of the said Convention declared, that certain Acts or Instruments annexed to the said Convention should form an integral part thereof, and which were as follows; that is to say, 1st, a form of Passport for the Portuguese Merchant Ships destined for the lawful Traffic in Slaves; 2ndly. Instructions for the Ships of War of both Nations destined to prevent the illicit Traffic in Slaves; 3rdly, Regulations for the Mixed Commissions which are to hold their sittings on the Coast of Africa, at the Brazils, and in London: And whereas the said Instructions before 2ndly. referred to, and made an integral part of the said Convention, did, in the 1st Article thereof, provide that every British or Portuguese Ship of War shall have a right to visit the Merchant Ships of either of the 2 Powers actually engaged or suspected to be engaged in the Slave-trade; and should any Slaves be found on board, according to the tenor of the VIth Article of the aforesaid Additional Convention, and as to what regards the Portuguese Vessels, should there be ground to suspect that the said Slaves have been embarked on a part of the Coast of Africa where the Traffic in Slaves can no longer be legally carried on, in consequence of the Stipulations in force between the 2 High Contracting Powers & in these cases alone the Commander of the said Ship of War may detain them,

and having detained them, he is to bring them as soon as possible for judgment before that of the 2 Mixed Commissions appointed by the VIIIth Article of the Convention which shall be nearest, or which the Commander of the capturing Ship shall, upon his own responsibility, think he can soonest reach from the spot where the Slave Ship shall have been detained; and that Ships on board of which no Slaves shall be found, intended for the purposes of Traffic, shall not be detained on any account or pretence whatever; and that Negro Servants or Sailors that may be found on board the said Vessels cannot in any case be deemed a sufficient cause for detention: And whereas it was by the IIInd Article of the said Instructions provided, that no Merchantman or Slave Ship can on any account or pretence whatever be visited or detained, whilst in the Port or Roadstead belonging to either of the 2 High Contracting Powers, or within cannon shot of the Batteries on shore; but in case suspicious Vessels should be found so circumstanced, proper representations may be addressed to the Authorities of the Country, requesting them to take effectual measures for preventing such abuses: And whereas it was also provided, in the IIIrd Article of the said Instructions, in consequence of the immense extent of the shores of Africa to the North of the Equator, along which this commerce continues prohibited, and the facility thereby afforded for illicit Traffic, on points where either the total absence or at least the distance of lawful Authorities bar ready access to those Authorities; in order to prevent it, and for the more readily attaining the salutary end that His Majesty and His Most Faithful Majesty did actually grant to each other the power, without prejudice to the rights of Sovereignty, to visit and detain, as if on the High Seas, any Vessel having Slaves on board, even within cannon shot of the shore of their respective Territories on the Continent of Africa to the North of the Equator, in case of there being no Local Authorities to whom recourse might be had, as has been stated in the preceding Article; and that in such case, Vessels so visited may be brought before the Mixed Commissioners in the form prescribed in the Ist Article of the said Instructions; and it was also by the IVth Article of the Instructions provided, that no Portuguese Merchantman or Slave Ship shall, on any pretence whatever, be detained, which shall be found any where near the land or on the High Seas South of the Equator, unless after a chase that shall have commenced North of the Equator; and by the Vth Article of the said Instructions, that Portuguese Vessels furnished with a regular Passport, having Slaves on board, shipped at those parts of the Coast of Africa where the Trade is permitted to Portuguese Subjects, and which shall afterwards be found North of the Equator, shall not be detained by the Ships of War of the 2 Nations, though furnished with the present Instruc-

tions, provided the same can account for their course, either in conformity with the practice of the Portuguese Navigation, by steering some degrees to the Northward in search of fair winds, or for other legitimate causes, such as the dangers of the sea, duly proved; or lastly, in the case of their Passports proving that they were bound for a Portuguese Port not within the Continent of Africa; provided always, that with regard to all Slave Ships detained to the North of the Equator, the proof of the legality of the Voyage is to be furnished by the Vessel so detained; on the other hand, with respect to Slave Ships detained to the South of the Equator, in conformity with the Stipulations of the preceding Article, the proof of the illegality of the Voyage is to be exhibited by the Captor; it is in like manner stipulated, that the number of Slaves found on board a Slave Ship by the Cruizers, even should the number not agree with that contained in their Passport, shall not be a sufficient reason to justify the detention of the Ship, but the Captain and the Proprietors shall be denounced in the Portuguese Tribunals in the Brazils, in order to their being punished according to the Laws of the Country: And whereas it was by the VIth Article of the said Instructions provided, that every Portuguese Vessel intended to be employed in the legal Traffic in Slaves, in conformity with the principles laid down in the said Convention, shall be commanded by a native Portuguese, and 2-3rds at least of the Crew shall likewise be Portuguese; provided always, that its Portuguese or Foreign construction shall in no wise affect its Nationality, and that the Negro Sailors shall always be reckoned as Portuguese, provided they belong as Slaves to Subjects of the Crown of Portugal, or that they have been enfranchised in the Dominions of His Most Faithful Majesty: And whereas it was also, by the VIIth Article of the said Instructions, provided, that whenever a Ship of War shall meet a Merchant Vessel liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly Nations: and in no case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navy; and by the VIIIth Article of the said Instructions, that the Ships of War which may detain Slave Ships, in pursuance of the principles laid down in the said Instructions, shall leave on board all the Cargo of Negroes untouched, as well as the Captain, and a part at least of the Crew of the Slave Ship; and that the Captain shall draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in it; and that he shall deliver to the Captain of the Slave Ship, a signed Certificate of the Papers seized on board the said Vessel, as well as of the number of Slaves found on board at the moment of detention; and that the Negroes shall not be

disembarked till after the Vessels which contain them shall be arrived at the place where the legality of the capture is to be tried by one of the 2 Mixed Commissions, in order that in the event of their not being adjudged legal Prize, the loss of the Proprietors may be more easily repaired, but that if urgent motives, deduced from the length of the Voyage, the state of health of the Negroes, or other causes, require that they shall be disembarked entirely or in part, before the Vessel can arrive at the place of the residence of one of the said Commissions, the Commander of the capturing Ship may take on himself the responsibility of such disembarkation, provided that the necessity be stated in a Certificate in proper form; and it was by the IXth Article of the said Instructions provided, that in the conveyance of Slaves from one Port of the Brazils to another, or from the Continent or Islands of Africa to the Possessions of Portugal out of America, shall take place as objects of commerce, except in Ships provided with Passports from the Portuguese Government *ad hoc*: And whereas also it was by the said Regulations for the Mixed Commissions, which were to be established according to the Stipulations in the said Convention, and which Regulations were declared to be an integral part of the said Convention, provided, in the 1st Article of the said regulations, that the Mixed Commissions to be established by the said Convention upon the Coast of Africa and in the Brazils, are appointed to decide upon the legality of the detention of such Slave Vessels as the Cruizers of both Nations shall detain, in pursuance of the said Convention, for carrying on an illicit commerce in Slaves; and that the above-mentioned Commissions shall judge, without appeal, according to the letter and spirit of the Treaty of the 22nd of January 1815, and of the said Additional Convention to the said Treaty, signed at London on the 28th day of July 1817, and recited in this Act, that the Commissions shall give Sentence as summarily as possible, and they are required to decide (as far as they shall find it practicable) within the space of 20 days, to be dated from that on which every detained Vessel shall have been brought into the Port where they shall reside; first, upon the legality of the Capture; 2ndly, in the case in which the captured Vessel shall have been liberated, as to the indemnification which she is to receive; and it is thereby provided, that in all cases the final Sentence shall not be delayed on account of the absence of Witnesses, or for want of other proofs, beyond the period of 2 months, except upon the application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Commissioners may, at their discretion, grant an additional delay, not exceeding 4 months; and it was by the IIInd Article of the said Regulations provided, that each of the above-mentioned Mixed Commissions, which are to reside on

the Coast of Africa and in the Brazil, shall be composed in the following manner; the 2 High Contracting Parties shall each of them name a Commissary Judge and a Commissioner of Arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of Slave Vessels which, in pursuance of the Stipulation of the Additional Convention of this date, may be laid before them; and that all the essential parts of the proceedings carried on before these Mixed Commissions, shall be written down in the language of the Country in which the Commission may reside; and the Commissary Judges, and the Commissioners of Arbitration, shall make oath, in presence of the principal Magistrate of the Place in which the Commission may reside, to judge fairly and faithfully, to have no preference either for the Claimants or the Captors, and to act in all their decisions in pursuance of the Stipulations of the Treaty of the 22nd of January 1815, and of the Additional Convention to the said Treaty recited in this Act; and that there shall be attached to each Commission a Secretary or Registrar appointed by the Sovereign of the Country in which the Commissions may reside, who shall register all its acts, and who, previous to taking charge of his post, shall make oath, in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge; and it was also provided in the IIIrd Article of the Regulations, that the form of the process shall be as follows; the Commissary Judges of the 2 Nations shall in the first place proceed to the examination of the Papers of the Vessel, and to receive the Depositions on oath of the Captain and 2 or 3 at least of the principal Individuals on board of the detained Vessel, as well as the Declaration on oath of the Captor, should it appear necessary, in order to be able to judge and to pronounce if the said Vessel has been justly detained or not, according to the Stipulations of the said Additional Convention recited in this Act, and in order that according to this judgment it may be condemned or liberated; and in the event of the 2 Commissary Judges not agreeing on the Sentence they ought to pronounce whether as to the legality of the detention, or the indemnification to be allowed, or on any other question which might result from the Stipulations of the said Convention, they shall draw by lot the name of 1 of the 2 Commissioners of Arbitration, who, after having considered the Documents of the Process, shall consult with the above-mentioned Commissary Judges on the Case in question, and the final Sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and of the above-mentioned Commissioner of Arbitration: And it was also provided by the IVth Article of the said Regulations, that as often as the Cargo of Slaves found on board of a Portuguese Slave Ship shall

have been embarked on any point whatever of the Coast of Africa where the Slave-trade continues lawful to the Subjects of the Crown of Portugal, such Slave Ship shall not be detained on pretext that the above-mentioned Slaves shall have been brought originally by land from any other part whatever of the Continent; and it was also in the Vth Article of the said Regulations provided, that in the authenticated Declaration which the Captors shall make before the Commission, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel at the time of the detention, the above-mentioned Captor shall be bound to declare his name, the name of his Vessel, as well as the latitude and longitude of the Place where the detention shall have taken place, and the number of Slaves found living on board of the Slave Ship at the time of the detention; and it was also provided, in the VIth Article of the said Regulations, that as soon as Sentence shall have been passed, the detained Vessel, if liberated, and what remains of the Cargo, shall be restored to the Proprietors, who may before the same Commission claim a valuation of the damages which they may have a right to demand, the Captor himself, and in his default his Government, shall remain responsible for the above-mentioned damages; and that the 2 High Contracting Powers did bind themselves to defray, within the term of a year from the date of the Sentence, the indemnifications which may be granted by the above-named Commission, it being understood that these indemnifications shall be at the expence of the Power of which the Captor shall be a Subject; and by the VIIth Article of the said Regulations, that in case of the condemnation of a Vessel for an unlawful Voyage, she shall be declared lawful Prize, as well as her Cargo, of whatever description it may be, with the exception of the Slaves who may be on board as objects of commerce; and the said Vessel, as well as her Cargo, shall be sold by public sale, for the profit of the 2 Governments; and as to the Slaves, they shall receive from the Mixed Commission a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or Free Labourers, with guarantee by each of the 2 Governments respectively, of the liberty of such portion of these Individuals as shall be respectively consigned to it; and it was also provided by the VIIIth Article of the said Regulations, that every Claim for compensation of losses occasioned to Ships suspected of carrying on an illicit trade in Slaves, not condemned as lawful Prize by the Mixed Commissions, shall be also heard and judged by the above-named Commissions, in the form provided by the IIIrd Article of the said Regulations hereinbefore recited; and in all Cases wherein restitution shall be so decreed, the Commission shall award to the Claimant or Claimants, or

his or their lawful Attorney or Attornies, for his or their use, a just and complete indemnification, 1st, for all costs of Suit, and for all losses and damages which the Claimant or Claimants may have actually sustained by such capture and detention, that is to say, in the case of total loss, the Claimant or Claimants shall be indemnified, 1st, for the Ship, her Tackle, Apparel, and Stores; 2ndly, for all Freight due and payable; 3dly, for the value of the Cargo of Merchandize, if any; 4thly, for the Slaves on board at the time of detention, according to the computed value of such Slaves at the place of destination, deducting therefrom the usual fair average mortality for the unexpired period of the regular voyage, deducting also for all charges and expences payable upon the sale of such Cargoes, including commission of sale when payable at such Port; and 5thly, for all other regular charges in such cases of total loss; and in all other cases not of total loss, the Claimant or Claimants shall be indemnified, 1st, for all special damages and expences occasioned to the Ship by the detention, and for loss of freight when due or payable; 2dly, a demurrage, when due, according to the Schedule annexed; 3dly, a daily allowance for the subsistence of Slaves of 1 shilling or 160 reis for each person, without distinction of age or sex, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention, as likewise, 4thly, for any deterioration of Cargo or Slaves; 5thly, for any diminution in the value of the Cargo of Slaves proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention, this value to be ascertained by their computed price at the place of destination, as in the above case of total loss; 6thly, an allowance of 5 per centum on the amount of capital employed in the purchase and maintenance of Cargo for the period of delay occasioned by the detention; and 7thly, for all premium of insurance on additional risks; the Claimant or Claimants shall likewise be entitled to interest at the rate of 5 per centum per annum on the sum awarded, until paid by the Government to which the capturing Ship belongs; the whole amount of such indemnifications being calculated in the money of the Country to which the captured Ship belongs, and to be liquidated at exchange current at the time of award, excepting the sum for the subsistence of Slaves, which shall be paid at par, as above stipulated; the 2 High Contracting Parties wishing to avoid, as much as possible, every species of fraud in the execution of the Additional Convention of this date, have agreed, that if it should be proved, in a manner evident to the conviction of the Judges of the 2 Nations, and without having recourse to the decision of a Commissioner of Arbitration, that the Captor has been led into error by a voluntary and reprehensible fault on the part of the Captain of the detained Ship, in that case only the detained Ship shall

not have the right of receiving, during the days of her detention, the demurrage stipulated by the present Article:—

Schedule of demurrage or daily allowance for a Vessel of

100 tons to 120 inclusive...	£5	} per diem ;
121 ditto to 150 ditto ...	6	
151 ditto to 170 ditto ...	8	
171 ditto to 200 ditto ...	10	
201 ditto to 220 ditto ...	11	
221 ditto to 250 ditto ...	12	
251 ditto to 270 ditto ...	14	
271 ditto to 300 ditto ...	15	

and so in proportion; and it was also provided by the IXth Article of the said Regulations, that when the Proprietors of a Ship suspected of carrying on an illicit trade in Slaves, released in consequence of a Sentence of one of the mixed Commission, (or in the case as above mentioned of total loss,) shall claim indemnification for the loss of Slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of Slaves which his Vessel was by the Portuguese Laws authorized to carry, which number shall always be declared in his Passport; and it was also provided by the Xth Article of the said Regulations, that the Mixed Commission established in London by the IXth Article of the said Convention herein-before recited, shall hear and determine all Claims for Portuguese Ships and Cargoes captured by British Cruizers, on account of the unlawful trading in Slaves, since the 1st of June, 1814, till the period when the Convention is to be in complete execution, awarding to them, conformably to the IXth Article of the said Convention, a just and complete compensation, upon the basis laid down in the preceding Article, either for total loss, or for losses and damages sustained by the Owners and Proprietors of the said Ships and Cargoes; and it was also provided, that the said Commission established in London shall be composed and proceed exactly upon the same basis determined in Articles I, II, and III of the Regulations herein-before recited, for the Commissions established on the Coast of Africa and the Brazils; and it was also provided by the XIth Article of the said Regulation, that it shall not be permitted to any of the Commissary Judges, nor to the Arbitrators, nor to the Secretary of any of the Mixed Commissions, to demand or receive from any one of the Parties concerned in the Sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the Regulations annexed to the Convention as aforesaid; and by the IXth Article of the said Regulations, that when the Parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may represent it to their respective Governments, who reserve to themselves the right of mutual Correspondence, for

removing, when they think fit, the Individuals who may compose these Commissions: and it was also provided by the XIIIth Article of the said Regulations, that in the case of a Vessel detained unjustly under the pretence of the Stipulations of the Additional Convention of this date, and in which the Captor should neither be authorized by the tenor of the above-mentioned Convention, nor of the Instructions annexed to it, the Government to which the detained Vessel may belong, shall be entitled to demand reparation, and in such case the Government to which the Captor may belong, binds itself to cause the subject of complaint to be fully examined, and to inflict upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed: and it was also agreed in the XIVth Article of the said Regulations, that in the event of the death of one or more of the Commissioners, Judges, and Arbitrators composing the above-mentioned Mixed Commissions, their posts shall be supplied ad interim in the following manner; on the part of the British Government, the vacancies shall be filled successively in the Commission which shall sit within the Possessions of His Britannic Majesty, by the Governor or Lieutenant-Governor resident in that Colony, by the principal Magistrate of the Place, and by the Secretary, and in the Brazils, by the British Consul and Vice Consul resident in the City in which the Mixed Commission may be established; on the part of Portugal, the vacancies shall be supplied in the Brazils by such persons as the Captain-General of the Province shall name for that purpose; and considering the difficulty which the Portuguese Government would feel in naming fit persons to fill the posts which might become vacant in the Commission established in the British Possessions, it is agreed, that in case of the death of the Portuguese Commissioners, Judge, or Arbitrators, in those Possessions, the remaining Individuals of the above-mentioned Commission shall be equally authorized to proceed to the Judgment of such Slave Ships as may be brought before them, and to the execution of their Sentence; in this case alone, however, the Parties interested shall have the right of appealing from the Sentence, if they think fit, to the Commission resident in the Brazils; and the Government to which the Captor shall belong shall be bound fully to defray the indemnification which shall be due to them, if the Appeal be judged in favor of the Claimants, it being well understood that the Ship and Cargo shall remain during this Appeal in the place of residence of the first Commission before whom she may have been conducted; and it was in the said Regulation agreed to supply, as soon as possible, every vacancy that may arise in the above-mentioned Commissions from death or any other contingency; and in case that the vacancy of each of the Portuguese Commissioners residing in the British Possessions be not supplied at the end of 6 months, the Vessels which are taken there to be

judged, after the expiration of that time, shall no longer have the right of appeal herein-before stipulated: and it was also further provided and declared and agreed, in a Separate Article, that as soon as the total Abolition of the Slave trade for the Subjects of the Crown of Portugal shall have taken place, the 2 High Contracting Parties, by common consent, will adapt to that state of circumstances the Stipulations of the said Additional Convention of the 28th July herein-before recited; but in default of such alterations, that the said Additional Convention shall remain in force until the expiration of 16 years from the day on which the general Abolition of the Slave trade shall so take place on the part of the Portuguese Government; and that the said Separate Article shall have the same force and validity as if it were inserted word for word in the said Additional Convention herein-before mentioned as aforesaid: And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said Treaty; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any Officers commanding any Ship of War of His Majesty, duly authorized in that behalf, and provided with Instructions according to the provisions of the said Convention, to visit and detain all Ships and Vessels which shall be suspected, upon reasonable grounds, of having Slaves on board acquired by an illicit Traffic, according to the Articles of the said Convention, and to detain and bring to adjudication all Ships, Vessels, and Cargoes thereby made subject to detention and condemnation, according to the provisions of the said Convention, and the Instructions and Regulations aforesaid.

II. And be it further enacted, that all Ships and Vessels, belonging wholly or in part to His Majesty's Subjects, which shall be suspected upon reasonable grounds of having Slaves on board acquired by an illicit Traffic, shall be and are hereby declared and made, according to the said Treaty, Convention, and Regulations aforesaid, subject to the visitation of British or Portuguese Vessels of War, duly authorized for that purpose, according to the provisions before recited; and that all Ships and Vessels belonging wholly or in part to His Majesty's Subjects, which shall be found having Slaves on board acquired by an illicit Traffic, contrary to the Treaty, Convention, and Regulations so recited as aforesaid, and all Boats, Apparel, Furniture, and Slaves belonging to such Ships or Vessels, and all Cargoes therein, shall be and are hereby declared to be and made subject to the visit and detention of British or Portuguese Vessels of War duly authorized for that purpose, according to the Stipulations of the said Convention, and to forfeiture according to the provisions of the said Convention, and the

Regulations and Instructions thereunto annexed, and for that purpose shall be and are hereby made subject to the adjudication of, and to Condemnation or other Judgment by the Commissary Judges and Commissioners to be appointed according to the provisions of the said Convention, and to the Instructions and Regulations annexed thereto, recited as aforesaid.

III. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the said Convention, and Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such Offices, by appointing other Persons thereto; and to grant salaries to such Commissary Judges and Commissioners of Arbitration as aforesaid, not exceeding such annual Sums as the Lords Commissioners of His Majesty's Treasury of Great Britain and Ireland shall from time to time direct; and such Commissary Judges and Commissioners are hereby authorized and empowered to examine and decide all such Cases of Detention, Captures, and Seizures of Vessels and their Cargoes as aforesaid, detained, seized, taken, or captured under the said Treaty or Convention, or Instructions and Regulations, as are by the said Treaty, Convention, Instructions, and Regulations, and by this Act, made subject to their jurisdiction, and to proceed therein, and give such Judgments, and make such Orders therein, and to do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said Treaty and Convention, and the Instructions and Regulations annexed thereto and recited as aforesaid, as fully and effectually to all intents and purposes as if special powers and authorities were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under his Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to nominate and appoint a Secretary or Registrar to the Commission which shall be established in His Majesty's Dominions, and from time to time to supply, by other appointments, any vacancy which may thereafter occur in such Office, and to grant salaries to such Secretary or Registrar, not exceeding such annual sum as the said Lords Commissioners shall from time to time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to do, perform, and execute all the duties of such Office, as set forth and described in the said Convention, Instructions, and Regulations respectively herein-before recited as aforesaid, and to do, perform, and execute all such acts, matters, and things as may be necessary for the due discharge of the duties of his office, according to

the provisions of the said Convention and Instructions and Regulations as aforesaid.

V. And be it further enacted, that it shall be lawful for the Governor or Lieutenant-Governor or Principal Magistrate of the Colony or Settlement in which the Commission shall sit, within the Possessions of His Britannic Majesty, to fill up every vacancy which shall arise in such Commission, either of Commissary Judge, Commissioner, or any Officer thereof, appointed by His Majesty as aforesaid, according to the provisions contained in the before recited Regulations annexed to the said Convention as aforesaid, *ad interim*, until such vacancy or vacancies shall be thereafter filled by some Person or Persons appointed by His Majesty for that purpose.

VI. And be it further enacted, that every Commissary Judge and Commissioner of Arbitration, appointed by His Majesty, shall, before he shall enter upon the execution of any of the duties of such his Office, take an oath, in the presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place in which the Commission shall be appointed to reside; which oath every such Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Court or Commission shall be appointed, is hereby authorized to administer, in the form following, that is to say,

“ I, A. B., do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my Office as faithfully, impartially, fairly, and without preference or favour, either for Claimants or Captors, or any other Persons; and that I will, to the best of my judgment and power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Convention between His Majesty and His Most Faithful Majesty, signed at London on the 28th day of September, 1817.

“ So help me God.”

And every Secretary or Registrar appointed by His Majesty under the provisions of the Treaty, and Regulations and Instructions, and of this Act, shall, before he enters on the duties of his said Office, take the like oath before the British Commissary Judge as aforesaid, who is hereby empowered to administer the same.

VII. And be it further enacted, that it shall be lawful for the said Commissary Judges, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer oaths to and take the depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the purpose of deposing, in the course of any proceeding before the said Commissary Judges, or before the said Commissary Judges and the Commissioners of Arbitration, in the Cases in which such Commissioner of Arbitration shall act with the said Commissary Judges, under the said Convention, Instructions, or Regulations, or

this Act: and it shall also be lawful for the said Commissary Judges, or for the said Commissary Judges and Commissioners of Arbitration, in the Cases aforesaid, to summon before them all Persons whom they may deem it necessary or proper to examine, in relation to any Suit, proceeding, or matter or thing under their cognizance, and to send for and issue Precepts for the producing of all such Papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and the like means, powers, and authorities as any Court of Vice-Admiralty may do.

VIII. And be it further enacted, that every Person who shall wilfully and corruptly give false evidence, in any examination or deposition or affidavit had or taken upon or in any proceeding before the said Commissary Judges or Commissioners aforesaid, under the said Treaty, Instructions, or Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all the punishments, pains, and penalties to which Persons convicted of wilful and corrupt perjury are liable; and every such Person may be tried for any such perjury, either in the Place where the offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench in England; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench, the venue may be laid in the County of Middlesex.

IX. And be it further enacted, that the pendency of any suit or proceeding instituted before the said Commissioners for the condemnation or restitution of any Ship or Cargo or Slaves taken, seized, or detained by virtue of the said Convention, or Instructions or Regulations thereto annexed, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be and be deemed and adjudged in any Court whatever to be a good and complete bar in any action, suit, or proceeding, whether brought or instituted by any Person or Persons for the recovery of any such Ship, Vessel, or Cargo, or of any damage or for any injury sustained thereby, or by the Persons on board the same, in consequence of any capture, seizure, or detention, or act, matter, or thing done under the authority or in pursuance of the provisions of the said Convention, or of the Instructions or Regulations thereto annexed; any thing in any Act or Acts of Parliament, or Law or Laws to the contrary notwithstanding.

X. Provided always, and be it further enacted, that it shall be lawful for the Lords Commissioners of Appeal in Prize Causes, and for the High Court of Admiralty, in all Cases and Questions arising out of the said Captures that may be depending before them, or that may be brought before them on appeal from any Vice-Admiralty

Court, according to their respective jurisdictions, to proceed therein, and to hear and determine all questions respecting any right or interest in or to the same, to which His Majesty, or the Captors or Seizors of such Ships, Vessels, or Cargoes, may claim to be entitled, by reason of the capture or seizure thereof and the Laws relating thereto, and to enforce their Judgments and Orders therein by the usual process of the said Courts; any thing in this Act to the contrary notwithstanding.

XI. Provided also, and be it further enacted, that in all such Cases as aforesaid in which the Captors or Seizors shall not establish any right or interest on their behalf, by reason of the capture thereof and the Laws relating thereto, it shall be lawful for the said Courts respectively to order and adjudge the Ships, Vessels, and Cargoes, or the proceeds thereof, and all and every part thereof, into or to or which the Captors shall not establish any right or interest as aforesaid, to be delivered or paid, for the use of His Majesty, to such Person or Persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the delivery or the payment thereof by the usual process as is used and established by Law in Cases of Prize; any thing in this Act to the contrary notwithstanding.

XII. And be it further enacted, that nothing in this Act contained shall extend or be deemed or construed in anywise to alter, suspend, affect, relax, or repeal any of the clauses, penalties, forfeitures, or punishments contained and enacted in any Act or Acts of Parliament made for the suppression or prevention of the Slave-trade; but that all such Acts of Parliament, and all clauses, regulations, penalties, forfeitures, and punishments therein respectively contained, shall remain in full force and virtue; any thing in this Act contained to the contrary notwithstanding.

XIII. And be it further enacted, that if any Action or Suit shall be commenced, either in Great Britain or elsewhere, or against any Person or Persons, for any thing done in pursuance of the said Treaty, or Instructions or Regulations thereto annexed, or of this Act, the Defendant or Defendants in such Action or Suit may plead the general issue, and give this Act as herein recited, and the special matter, in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the authority of the said Convention, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given, upon any verdict or demurrer, against the Plaintiff, the Defendant or Defendants shall recover treble costs, and have the like remedy for the same as Defendants have in other Cases by Law.

**CONSTITUTION of the Grand Duchy of Baden.—
Griesbach, 22nd August, 1818.**

(Translation.)

CHARLES, by the Grace of God, Grand Duke of Baden, Duke of Zähringen, Landgrave of Nellenburg, Count of Hanau, &c.

In the year 1816, when we once more announced to our Subjects our intention to give a Representative Constitution to our Grand Duchy, we cherished the wish and the hope, that all the Members of the Confederation would agree upon a substantial and invariable basis for that Institution, which had been promised to all the Nations of Germany, and that each single State, having regard to existing relations, would attend to its own peculiar necessities only in the development of the principles pointed out by the Diet.

As, however, according to the last Votes passed upon this subject in the Diet, the period cannot be precisely foreseen when the form of the Representative Constitutions may become the subject of common deliberation, we consider ourselves bound now to carry into effect the assurance given by us to our Subjects, in the way and manner corresponding with our firm, free, and deep conviction.

Penetrated by the most sincere desire of drawing still closer the bonds of confidence subsisting between us and our People, and of bringing, in the way pointed out in these presents, all our political Institutions to a higher degree of perfection, we have granted the following Constitutional Act, and hereby solemnly promise, in our own Name and in that of our Successors, to maintain it, and cause it to be maintained, faithfully and religiously :—

CHAPTER I.—Of the Grand Duchy, and the Government in general.

ART. I. The Grand Duchy forms a constituent part of the Germanic Confederation.

II. All organic Decrees of the Germanic Diet, which relate to the Constitutional relations of Germany, or to the relations of German Citizens in general, form a part of the Public Law of Baden, and shall be binding on all Classes after the same shall have been promulgated by the head of the Government.

III. The Grand Duchy is indivisible and inalienable in all its parts.

IV. The Supreme Government is hereditary in the Grand Ducal Family, according to the dispositions of the Declaration of the 4th of October, 1817; which Declaration, as the basis of the domestic Code, forms an essential constituent part of the Constitution, and is to be considered as verbally adopted in the present Act.

V. The Grand Duke unites in himself all the prerogatives of Supreme Authority, and exercises them under the provisions contained in the present Constitutional Decree.

His Person is sacred and inviolable.

VI. The Grand Duchy has a Representative Constitution.

[1817—18.]

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CHAPTER II.—*Civil and Political Rights of the People of Baden ; and particular Securities.*

VII. The Civil Rights of the People of Baden are equal in every respect, wherein the Constitution does not particularly and expressly make a distinction.

The Grand Ducal Ministers of State, and all the Servants of the Government, are responsible for their strict observance of the Constitution.

VIII. All Badenese contribute, without distinction, to all Public Charges. All exemptions from direct or indirect Taxes are repealed.

IX. All Citizens of the 3 Christian Confessions have equal claims to all Civil and Military Appointments, and all Ecclesiastical Offices.

All Foreigners on whom we confer an Office of State, obtain thereby immediate Naturalization.

X. Difference in birth and religion shall not establish any exemption from Military Service, except in favour of those mediatised Noble Families which are exempted by the Act of Confederation.

XI. A regular mode of purchase shall be fixed by Law, for the redemption of those services and charges upon land, already declared redeemable, and of all Duties arising out of the repeal of personal bondage.

XII. The Law of the 14th of August, 1817, respecting the removal of property, shall be considered as an essential part of the Constitution.

XIII. With respect to personal liberty and property, all Badenese are placed on an equal footing, under the protection of the Constitution.

XIV. The Tribunals are independent, within the limits of their jurisdiction.

All verdicts in Civil Causes must proceed from the ordinary Tribunals. The Fiscal Officer of the Grand Duke proceeds at Law before the Tribunals of the Country, in all disputes arising out of matters involving private right.

No one can be compelled to surrender up his Property for public purposes, except after the deliberation and decision of the Ministry of State, and the receipt of an indemnity.

XV. In criminal affairs no man can be withdrawn from his regular Judges. No one can be arrested otherwise than according to the legal forms, nor detained more than 48 hours in prison, without a hearing upon the grounds of his arrest.

The Grand Duke can mitigate or entirely remit punishments, but cannot render them more severe.

XVI. All confiscations of property are abolished.

XVII. The liberty of the press shall be exercised according to the future regulations of the Germanic Diet.

XVIII. Every Inhabitant enjoys undisturbed freedom of conscience, and equal protection with respect to his religious worship.

XIX. The political rights of the 3 denominations of Christians are equal.

XX. Ecclesiastical property, and the particular property and reve-

ness of Foundations, and Institutions for Education and charitable purposes, cannot be diverted from their object.

XXI. The Endowments of both Universities and other high Establishments of Learning, whether consisting of estates and revenues held and enjoyed by right, or of grants from the Public Treasury, shall not be diminished.

XXII. Every obligation of the State to its Creditors is inviolable.

The establishment of the Sinking Fund shall be maintained on its present system.

XXIII. The privileges which were, by the Edict of the 23rd April, 1818, granted to the former States of the Empire and immediate Imperial Knights, belonging to the Grand Duchy, form an essential part of this Constitution.

XXIV. The legal relations of the Servants of the State are guaranteed by the Constitution, in the same manner as they are at present by Law established.

XXV. The Lay and Clerical Widows' Fund, and the Institution for Fire Insurance, shall subsist as hitherto established, and be under the protection of the Constitution.

CHAPTER III.—*The Diet.*—*Rights and Duties of the Members.*

XXVI. The Representatives, or States, form 2 Chambers.

XXVII. The First Chamber consists: 1. Of the Princes of the Grand Ducal House. 2. Of the Heads of the Mediatised Noble Families. 3. Of the Bishop of the Grand Duchy, and a Protestant Clergyman appointed for life by the Grand Duke, with the rank of Prelate. 4. Of 8 Deputies of the Landed Nobility. 5. Of 2 Deputies from the Universities. 6. Of Persons named Members by the Grand Duke, without reference to rank or birth.

XXVIII. The Princes of the Grand Ducal House, and the Mediatised Nobles, take their seats in the Assembly on coming of age. With respect to those Mediatised Noble Families which are divided into several branches, the Head of each branch possessing a suitable Lordship, is a Member of the First Chamber.

The possessor of such Lordship has no Vote during his minority.

The Heads of the Noble Families, on whom the Grand Duke bestows the rank of high nobility, take their seats also in the First Chamber, as Hereditary Members, like the Mediatised Nobles. They must, however, possess, under the Law of Primogeniture and lineal descent, a family estate or fief, with revenues amounting to 300,000 florins, after deduction of the Taxes.

XXIX. All the Noble Proprietors of the large hereditary Landed Estates, who have attained their 21st year, and reside in the Duchy, have Votes for the election of Deputies of the Landed Nobility. All the latter, who are qualified to vote, and are 25 years of age, are eligible. The election is for 8 years, but every 4 years one-half of these Deputies go out.

The Grand Duke can give the right of suffrage and eligibility, in the election of the Landed Nobility, to those Nobles who possess, under the Law of Primogeniture and lineal inheritance, a family estate, or fief, yielding a clear revenue of, at least, 60,000 florins, after deduction of all charges thereupon.

XXX. In default of the Bishop, the Administrator of the Bishoprick supplies his place in the First Chamber.

XXXI. Each of the 2 Universities chooses its Deputy for 4 years, from among the Professors, or from the Men of Learning, or Public Officers of the Duchy, according to pleasure. The regular Professors alone have Votes.

XXXII. The number of Members appointed by the Grand Duke to the First Chamber, must never exceed 8.

XXXIII. The Second Chamber consists of 63 Deputies from the Towns and Bailiwicks, returned according to the list of distribution annexed to this Constitutional Decree.

XXXIV. These Deputies are to be chosen by Electors appointed for that purpose.

XXXV. Whoever is an actual Member of the First Chamber, or has a Vote at the election of Deputies of the Landed Nobility, or is himself eligible thereto, can neither exercise his right of suffrage in the appointment of the Electors, nor be chosen an Elector or a Deputy for the Towns and Bailiwicks.

XXXVI. All the remaining Subjects, of not less than 25 years of age, who are domiciled as Citizens in the Electoral District, or are invested with a Public Office, have Votes at the appointment of, and are themselves eligible as, Electors.

XXXVII. Every Subject not excluded by Article XXXV can, without respect to the place of his residence, be appointed a Deputy, who—

1. Belongs to one of the 3 Christian Confessions. 2nd. Has attained his 30th year. 3rd. Is rated in the Registry of Taxes on lands, houses, and trading property, upon a capital of, at least, 10,000 florins, or has a life annuity of, at least, 1,500 florins, derived from an hereditary estate, or fief; or enjoys, as a Public Officer or Clerical Functionary, a permanent Salary or Ecclesiastical Benefice of the same amount; and, in the 2 last cases, pays at least some direct Tax out of his property.

District Officers of the Grand Duke, and of the higher and lower Landed Nobility, Beneficed Clergymen, Physicians, and other Clerical and Lay Local Authorities, cannot be chosen as Deputies for the electoral Circle to which their Official District belongs.

XXXVIII. The Deputies for the Towns and Bailiwicks are to be nominated for 8 years; and one-fourth of the Chambers shall be renewed every 2 years.

XXXIX. Every new election of a Deputy, which may become necessary on account of the dissolution of the Assembly, or the regular retirement of Members, requires a new nomination of Electors.

XL. Every Member, on vacating his seat, is again eligible.

XLI. Each Chamber decides upon the disputed elections of its own Members.

XLII. The Grand Duke convokes, prorogues, and can dissolve the Chambers.

XLIII. As a consequence of the dissolution of the Chambers, all the elected Members; viz. the Deputies of the Landed Nobility, of the Universities, and of the Towns and Bailiwicks, lose their character of Representatives.

XLIV. Should the dissolution take place whilst a Question is under consideration, a new Election must follow within the period of 3 months at the furthest.

XLV. The Grand Duke appoints the President of the First Chamber for each Diet; the Second Chamber chooses 3 Candidates for the Presidency, the election of one of whom is ratified by the Grand Duke for the duration of the Diet.

XLVI. A Diet must be held every 2 years.

XLVII. The Members of neither of the Chambers can vote by proxy.

XLVIII. The Members are summoned to vote according to their own conviction. They must receive no Instructions from their Constituents.

XLIX. During the Sitting of the Diet, no Member can be arrested without the express permission of the Chamber to which he belongs, except in the act of committing a Criminal Offence.

L. The Diet can entertain only those subjects which are assigned to it by the present Constitution, or are specially brought under its consideration by the Grand Duke.

LI. A Committee of the Diet shall be formed of the President of that of the last Session, of 3 other Members of the First, and 6 of the Second Chamber. The business of this Committee is limited to the cases expressly mentioned in the present Act, or to subjects referred to it from the last Diet, with the consent of the Grand Duke.

The Committee must be chosen, before the close of the Diet, and before every prorogation thereof, in both Chambers, by a relative majority of votes.

The dissolution of the Diet includes the dissolution of the Committee also, even although just appointed.

LII. The Chambers can neither assemble of their own accord, nor continue their Sitzings and deliberate, after their dissolution or prorogation.

CHAPTER IV.—*Authority of the Representative Body.*

LIII. No Tax can be imposed or levied without the consent of the Chambers.

LIV. The Law imposing Taxes will be regularly passed for 2 years. Such Duties, however, as, in consequence of Contracts, are appropriated for a longer time, can undergo no alteration before the expiration of such Contracts.

LV. Together with the Project of the Revenue Law, will be sub-

mitted the State Budget, and a detailed view of the application of the sums granted for the previous years. No charge shall be made therein for Secret Expenditure, without a written assurance from the Grand Duke, countersigned by a Member of the Ministry of State, that the alone are or shall be applied for the real interests of the State.

LVI. The Chambers cannot grant Taxes conditionally.

LVII. No Loan can be legal without the concurrence of the Chambers; excepting, however, those Loans, by which certain fixed Receipts to meet an approved Expenditure, and those Revenues of the Sinking Fund, to which, according to its fundamental Laws, it is entitled, are alone anticipated.

In case of an extraordinary, unforeseen, and urgent State necessity, the expence of which would not be equivalent to that of an extraordinary assembling of the Chambers, and for which the vote of credit shall not have been sufficient, the consent of the majority of the Committee will suffice to render the Loan legal. The necessary proceedings must be referred to the next Diet.

LVIII. No Domains can be alienated without the consent of the Chambers.

Such alienations, however, are excepted, as have been already concluded, for the liquidation of debts; the redemptions of fiefs, hereditary dues, ground rents, and soccage-services; the sales of unnecessary buildings and of estates, (with the revenues derived therefrom,) which are situated in the neighbouring States; and further, such alienations as have been made with a view to State economy, the promotion of agriculture, or the abolition of a prejudicial management peculiar thereto. The balance of the sums received must be laid out in new acquisitions, or paid over to the Fund for the liquidation of Debts, in order to receive interest upon it. Exchanges and alienations, effected for the purpose of putting an end to a Law Suit, commenced with reference to property or services are excepted; as is also the renewal of fiefs, during the reign of the Sovereign to whom they revert.

The object of the Pragmatic Sanction, of the 1st of October, 1806, and 18th November, 1808, with reference to the debts and alienations of the State, being completely attained by the present and preceding Articles, the obligation of the same shall cease, upon the Day when the Representative Constitution comes into operation.

LIX. The Domains, according to the general and acknowledged principles of the rights of States and Princes, are indisputably the patrimonial property of the Sovereign and his family, and we, by virtue of our authority over them, as head of the family, do hereby expressly confirm them to be so; nevertheless we will further surrender, for the purpose of reducing the burthens of the State, the produce of the same, with the exception of the Civil List engrafted thereupon and the other charges payable therefrom; so long as we are prevented by the state of the Finances, from relieving our Subjects according to our sincerest wishes.

The Civil List cannot be increased without the consent of the Chambers, nor diminished without the permission of the Grand Duke.

LX. Every Project of Law relating to Finance must, in the first instance, be submitted to the Second Chamber, and, if adopted there, be laid before the First Chamber, where it must be either adopted or rejected entirely, without any alteration.

LXI. If the majority of the First Chamber should not agree to the decision of the Second, the assenting and dissenting votes of both Chambers must be added together, and the result decided by the absolute majority of their united votes.

LXII. Old and temporary Taxes may be continued for 6 months after the stipulated time, if the Diet be dissolved before a new Budget can be brought forward, or if their deliberations be delayed.

LXIII. During preparations for War, or whilst a War is carrying on, the Grand Duke, for the speedy and effectual fulfilment of his Federal duties, and even before he has obtained the consent of the Diet, may legally levy Loans or War-taxes. In such case, the Diet will exercise a greater influence and co-operation in the Administration; in this manner: 1st, the Committee, which is immediately to be assembled, may depute 2 Members to the Ministries of Finance and War, and 1 Commissioner to the War Treasury, in order to see that the Money raised for the War is actually and exclusively applied to that object; and, 2dly, it will appoint as many Members to the War Commission, which is to be organized with reference to the War Supplies of every description, as the Grand Duke shall propose, exclusive of the President, for the direction of the marching, provisioning, and distribution of the Forces.

The Committee shall have the further power to depute, for the same object, to each Provincial Authority, 2 Members, chosen from among the Representatives who may reside in the District.

LXIV. No Law, which remedies any defect in the Constitutional Act, or which explains or amends it, can be passed without the consent of a majority of two-thirds of the Members present in each of the 2 Chambers.

LXV. For all other proposed General Laws, affecting the freedom of persons, or the property of the Subjects of the State, or for the alteration or authentic interpretation of the existing Laws, the consent of an absolute majority in each of the 2 Chambers is requisite.

LXVI. The Grand Duke ratifies and promulgates the Laws, and issues, by virtue of his right of supreme superintendence and management, the Directions, Regulations, and Ordinances, necessary for the fulfilment and observance of them, as well as all those required generally for the safety of the State. He issues those Ordinances also which, although they ought from their nature to be considered by the Diet, are urgently required for the good of the State, and the temporary object of which would be frustrated by delay.

LXVII. The Chambers have the right to make representations and complaints. Ordinances containing regulations, which they con-

sider as involving their right of consent, shall, upon their adducing well-founded reasons, be immediately rendered ineffectual. On stating grounds to the Grand Duke, they can solicit the proposal of a Law. They have a right to point out to the Government, abuses in the administration which come within their knowledge. They have the right of lodging formal complaints against Ministers and Members of the Superior Offices of State, for violations of the Constitution or of acknowledged Constitutional Privileges. A particular Law shall determine the nature of the complaints, the degrees of the punishment, the deciding authority, and the mode of proceeding.

Complaints of individual Citizens, concerning the violation of their Constitutional Privileges, cannot be received by the Chambers except in writing, and cannot then be accepted unless the Complainant shall prove that he has in vain appealed for redress, to the proper Local jurisdictions, and lastly, to the Minister of State.

No representation, complaint, or accusation, can be brought before the Grand Duke, without the consent of the majority of each of the 2 Chambers.

CHAPTER V.—*Opening of the Sessions of the Diet.—Forms of Deliberation.*

LXVIII. Each Diet must be opened and closed, in the presence of both Chambers, united for this purpose, by the Grand Duke in person, or by a Commissioner appointed by him.

LXIX. The Members, on their first admission to the Diet, shall take the following Oath:—

“I swear fidelity to the Grand Duke, and obedience to the Laws; to observe and maintain the Constitution, and to regard only the general welfare and advantage of the whole Country, in the Diet, without respect to orders or classes, according to my sincere conviction. So help me God, and his sacred Gospel.”

LXX. No Proposition of the Grand Duke can be discussed or submitted to a vote, until it has been referred to a Special Committee, and a Report thereupon has been made.

LXXI. The Commissioners of the Grand Duke meet the Committee of the Diet for the previous examination of Law Projects, on all occasions in which either Party shall judge such Conference necessary. No essential alteration can be made in the plan of any Law, unless it has been discussed with the Government Commissioners in such Conference.

LXXII. After a Project of Law has been reported, the Chambers may again refer it to the Committee.

LXXIII. A Project of Law or any other Proposition brought from one Chamber to the other, may, if it do not relate to financial objects, be, with amendments, previously considered according to Article LXXI in a Committee, sent back to the Chamber whence it came.

LXXIV. Every valid decision of either Chamber requires, where no exception is expressly established, an absolute majority of the votes of the Assembly. When there is an equal division, the President give

the casting vote. In financial questions, when the votes of both Chambers are counted together, the President of the 2nd Chamber has the decision in case of an equality of votes. The vote is given by pronouncing with an audible voice, the word "Content" or "Not-content."

Only in the election of Candidates for the Presidentship of the 2nd Chamber, and of the Members of the Representative Committee and of the Commissions, is the choice decided by a relative majority of votes, given by ballot.

In the First Chamber, 10 Members; in the Second, 35; including their Presidents; make complete Chambers for business. In both Chambers, to render valid the deliberations respecting any change in the Constitution, three-fourths of the Members must be present.

LXXV. The Chambers can, either by their whole Body, or through Commissions, hold conferences together. Their ordinary relations to each other are limited to the communication of their respective Decisions. They stand in immediate communication, on matters of business, only with the Ministry of State of the Grand Duke. They cannot make dispositions, or issue Proclamations, of any description whatever. Deputations can be delegated to the Grand Duke, only after permission expressly obtained from him upon every occasion.

LXXVI. The Ministers, and the Members of the Ministry of State, and the Grand Ducal Commissioners, have access to every public and private sitting of either Chamber, and must be heard on all discussions, if they desire it. If not Members of the Chamber, they retire only on a division, and the debate cannot be resumed in their absence.

LXXVII. No written speeches can be read except by the Government Commissioners, and the Members of the representative Commissions. All the other Members must make their observations only by word of mouth.

LXXVIII. The sittings of both Chambers are public. They become secret, at the request of the Government Commissioners, when they have communications to make which they are of opinion ought to be private; and at the desire of any 3 Members, with whom, after Strangers have withdrawn, at least one fourth of the Members must agree, as to the necessity of a secret deliberation.

LXXIX. The order in which the Deputies of the Landed Proprietors, and of the Towns and Bailiwicks, go out, is determined by lot at the first meeting of the Diet, once for all, for each Electoral District. One half of the Deputies of the Landed Nobility vacate their seats in the year 1823, and one half every subsequent 4 years. In 1821, one fourth of the Deputies of the Towns or Bailiwicks are excluded, and, afterwards, one fourth every 2 years.

LXXX. In the first Elections, all contests respecting the validity of the Returns will be determined by the Government Central Commission, which is charged with the primary execution of the Constitutional Law.

LXXXI. The opening of the first Diet will take place on the 1st of February, 1819.

LXXXII. At the opening of the Diet, when the Constitution is put in activity, the existing state of things in all the branches of Administration and Legislation will continue, till measures be taken on these subjects, in concert with the Diet. The first Budget in particular, will be provisionally executed, until it shall have been adopted by the Diet.

LXXXIII. The present Constitution is placed under the guarantee of the Germanic Confederation.

Given under our hand, and sealed with the Great Seal of the State. Griesbach, August 22nd, 1818.

By command of His Royal Highness, (L.S.) CHARLES.
WEISS.

MESSAGE of the President, on the Opening of the Congress of The United States.—Washington, 2nd December, 1817.

FELLOW CITIZENS OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES :

AT no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our Country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our Revenue. The public credit has attained an extraordinary elevation. Our preparations for defence, in case of future Wars, from which, by the experience of all Nations, we ought not to expect to be exempted, are advancing, under a well digested system, with all the dispatch which so important a work will admit. Our free Government, founded on the interest and affections of the People, has gained, and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged and enlightened views of national policy. For advantages so numerous, and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being, from whom they are derived, and in unceasing prayer, that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you, that an Arrangement, which had been commenced by my Predecessor, with the British Government, for the reduction of the Naval Force, by Great Britain and The United States, on the Lakes, has been concluded; by which it is provided, that neither Party shall keep in service on Lake Champlain more than one Vessel; on Lake Ontario, more than one; and on Lake Erie, and the Upper lakes, more than 2; to be armed, each with one cannon only; and that all the other armed Vessels, of both Parties, of which an exact List is interchanged, shall be dismantled. It is also agreed, that the Force retained shall be restricted, in its duty, to the internal purposes of each Party; and that the Arrangement shall remain in force until 6 months shall have expired, after notice given by one of the Parties to the other of its desire that it should

terminate. By this Arrangement, useless expence, on both sides, and, what is of still greater importance, the danger of collision, between armed Vessels, in those inland Waters, which was great, is prevented.

I have the satisfaction also to state, that the Commissioners, under the IVth Article of the Treaty of Ghent, to whom it was referred to decide, to which Party the several Islands in the Bay of Passamaquoddy belonged under the Treaty of 1783, have agreed in a Report by which all the Islands in the possession of each Party before the late War have been decreed to it. The Commissioners acting under the other Articles of the Treaty of Ghent, for the settlement of Boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the 2 Governments under that Treaty, respecting the right of The United States to take and cure Fish on the Coast of the British Provinces, North of our Limits, which had been secured by the Treaty of 1783, is still in negotiation. The proposition made by this Government, to extend to the Colonies of Great Britain the principle of the Convention of London, by which the commerce between the Ports of The United States and British Ports in Europe had been placed on a footing of equality, has been declined by the British Government. This subject having been thus amicably discussed between the 2 Governments, and it appearing that the British Government is unwilling to depart from its present regulations, it remains for Congress to decide, whether they will make any other regulations, in consequence thereof, for the protection and improvement of our Navigation.

The Negotiation with Spain, for spoliations on our commerce, and the settlement of Boundaries, remains essentially, in the state it held, in the Communications that were made to Congress by my Predecessor. It has been evidently the policy of the Spanish Government to keep the Negotiation suspended, and in this The United States have acquiesced, from an amicable disposition towards Spain, and in the expectation that her Government would, from a sense of justice, finally accede to such an arrangement as would be equal between the Parties. A disposition has been lately shewn by the Spanish Government to move in the Negotiation, which has been met by this Government, and, should the conciliatory and friendly policy, which has invariably guided our Councils, be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark, that no proposition has yet been made from which such a result can be presumed.

It was anticipated, at an early stage, that the contest between Spain and the Colonies would become highly interesting to The United States. It was natural that our Citizens should sympathise in events which affected their Neighbors. It seemed probable, also, that the prosecution of the Conflict, along our Coast, and in contiguous Countries, would occasionally interrupt our commerce, and otherwise affect the persons and property of our Citizens. These anticipations have been realized. Such injuries have been received, from Persons

acting under the authority of both the Parties, and for which redress has, in most instances, been withheld. Through every stage of the Conflict, The United States have maintained an impartial Neutrality, giving aid to neither of the Parties in Men, Money, Ships, or Munitions of War. They have regarded the Contest, not in the light of an ordinary Insurrection or Rebellion, but as a Civil War between Parties nearly equal, having, as to Neutral Powers, equal rights. Our Ports have been open to both, and every article, the fruit of our soil, or of the industry of our Citizens, which either was permitted to take, has been equally free to the other. Should the Colonies establish their Independence, it is proper now to state, that this Government neither seeks, nor would accept, from them any advantage, in commerce or otherwise, which will not be equally open to all other Nations. The Colonies will, in that event, become Independent States, free from any obligation to, or connection with, us, which it may not then be their interest to form, on the basis of a fair reciprocity.

In the summer of the present year, an Expedition was set on foot against East Florida, by Persons claiming to act under the authority of some of the Colonies, who took possession of Amelia Island, at the mouth of the St. Mary's River, near the Boundary of the State of Georgia. As this Province lies Eastward of the Mississippi, and is bounded by The United States and the Ocean on every side, and has been a subject of Negotiation with the Government of Spain, as an indemnity for losses by spoliation, or in exchange for Territory, of equal value, Westward of the Mississippi, a fact well known to the World, it excited surprise, that any countenance should be given to this measure by any of the Colonies. As it would be difficult to reconcile it with the friendly relations existing between The United States and the Colonies, a doubt was entertained, whether it had been authorized by them, or any of them. This doubt has gained strength, by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private, unauthorized Adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our Laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us; the Island being made a channel for the illicit introduction of Slaves from Africa into The United States, an asylum for Fugitive Slaves from the neighboring States, and a Port for smuggling of every kind.

A similar Establishment was made, at an earlier period, by Persons of the same description, in the Gulph of Mexico, at a place called Galvezton, within the limits of The United States, as we contend, under the Cession of Louisiana. This enterprise has been marked, in a more signal manner, by all the objectionable circumstances which characterized the other, and more particularly by the equipment of Privateers which have annoyed our commerce, and by smuggling. These Establishments, if ever sanctioned by any Authority whatever,

which is not believed, have abused their trust, and forfeited all claim to consideration. A just regard for the rights and interests of The United States required that they should be suppressed, and Orders have been accordingly issued to that effect. The imperious considerations which produced this measure will be explained to the Parties whom it may, in any degree, concern.

To obtain correct information on every subject in which The United States are interested; to inspire just sentiments in all Persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial Neutrality; and to secure proper respect to our commerce in every Port, and from every Flag, it has been thought proper to send a Ship of War, with 3 distinguished Citizens, along the Southern Coast, with instruction to touch at such Ports as they may find most expedient for these purposes. With the existing Authorities, with those in the possession of, and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries, committed by Persons acting under them, be obtained; by them alone can the commission of the like, in future, be prevented.

Our relations with the other Powers of Europe have experienced no essential change since the last Session. In our intercourse with each, due attention continues to be paid to the protection of our commerce, and to every other object in which The United States are interested. A strong hope is entertained, that by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the Powers of Europe, on conditions advantageous and honorable to our Country.

With the Barbary States and the Indian Tribes our pacific relations have been preserved.

In calling your attention to the internal concerns of our Country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the Treasury show the very productive state of the Public Revenue. After satisfying the appropriations made by Law for the support of the Civil Government, and of the Military and Naval Establishments, embracing suitable provision for Fortifications and for the gradual increase of the Navy, paying the interest of the Public Debt, and extinguishing more than 18,000,000 of the principal, within the present year, it is estimated that a Balance of more than 6,000,000 of dollars will remain in the Treasury on the 1st day of January, applicable to the current service of the ensuing year.

The payments into the Treasury during the year 1818, on account of imports and tonnage, resulting principally from Duties which have accrued in the present year, may be fairly estimated at 20,000,000 dollars; internal revenues, at 2,500,000; public lands, at 1,500,000; bank dividends and incidental receipts, at 500,000; making in the whole, 24,500,000 dollars.

The annual permanent Expenditure for the support of the Civil Government, and of the Army and Navy, as now established by Law,

amounts to 11,800,000 dollars; and for the sinking fund, to 10,000,000 ; making in the whole, 21,800,000 dollars; leaving an annual excess of Revenue beyond the Expenditure of 2,700,000 dollars, exclusive of the Balance estimated to be in the Treasury on the 1st of January, 1818.

In the present state of the Treasury, the whole of the Louisiana Debt may be redeemed in the year 1819; after which, if the Public Debt continues as it now is, above par, there will be annually about 5,000,000 of the sinking fund unexpended, until the year 1825, when the Loan of 1812 and the Stock created by funding Treasury Notes, will be redeemable.

It is also estimated that the Mississippi Stock will be discharged during the year 1819, from the proceeds of the Public Lands assigned to that object, after which the receipts from those Lands will annually add to the public revenue the sum of 1,500,000 dollars, making the permanent annual Revenue amount to 26,000,000 of dollars, and leaving an annual excess of Revenue, after the year 1819, beyond the permanent authorized Expenditure, of more than 4,000,000 of dollars.

By the last Returns from the Department of War, the Militia Force of the several States may be estimated at 800,000 Men, Infantry, Artillery and Cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the Militia, is one of the great objects which claims the unremitted attention of Congress.

The regular Force amounts nearly to the number required by Law, and is stationed along the Atlantic and inland Frontiers.

Of the Naval Force it has been necessary to maintain strong Squadrons in the Mediterranean and in the Gulf of Mexico.

From several of the Indian Tribes, inhabiting the Country bordering on Lake Erie, purchases have been made of lands, on conditions very favorable to The United States, and, as it is presumed, not less so to the Tribes themselves. By these purchases, the Indian title, with moderate reservations, has been extinguished, to the whole of the Land within the limits of the State of Ohio, and to a great part of that in the Michigan Territory, and of the State of Indiana. From the Cherokee Tribe a tract has been purchased in the State of Georgia, and an arrangement made, by which, in exchange for Lands beyond the Mississippi, a great part, if not the whole of the land belonging to that Tribe, eastward of that river, in the States of North Carolina, Georgia, and Tennessee, and in the Alabama Territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our Settlements from the inhabited parts of the State of Ohio, along Lake Erie into the Michigan Territory, and to connect our Settlements by degrees through the State of Indiana and the Illinois Territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the South, through the whole extent of the States and Territory which border on the waters emptying into the Mississippi

and the Mobile. In this progress, which the rights of nature demand, and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native Inhabitants. The hunter state can exist only in the vast, uncultivated desert. It yields to the more dense and compact form, and greater force, of civilized population, and of right it ought to yield, for the Earth was given to mankind to support the greatest number of which it is capable, and no Tribe or People have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know, that the reservations of land made by the Treaties with the Tribes on Lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress, whether other provision, not stipulated by the Treaty, ought to be made for these Tribes, and for the advancement of the liberal and humane policy of The United States towards all the Tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland Frontiers is peculiarly important. With a strong barrier, consisting of our own People thus planted on the Lakes, the Mississippi and the Mobile, with the protection to be derived from the regular Force, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters, to any extent, will not be necessary, and the expence attending them may be saved. A People accustomed to the use of fire arms only, as the Indian Tribes are, will shun even moderate works, which are defended by cannon. Great Fortifications will, therefore, be requisite only, in future, along the Coast, and at some points in the interior, connected with it. On these will the safety of our Towns, and the commerce of our great Rivers, from the Bay of Fundy to the Mississippi, depend. On these therefore, should the utmost attention, skill, and labour, be bestowed.

A considerable and rapid augmentation in the value of all the Public Lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations, will be dissipated even in the most remote parts. Several new States have been admitted into our Union, to the west and south, and Territorial Governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land, and the augmentation in its value, be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The Public Lands

are a Public Stock, which ought to be disposed of to the best advantage for the Nation. The Nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to Emigrants, consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the Nation rather than of Individuals. Great Capitalists will derive all the benefit incident to their superior wealth, under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the Public Lands, they should have the opportunity of amassing, at a low price, vast bodies in their hands, the profit will accrue to them, and not to the Public. They would also have the power, in that degree, to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made in the sale of the Public Lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of Territory within The United States, the great amount and value of its productions, the connection of its parts, and other circumstances, on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did a Country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last Session, and there may be a disposition to revive it at the present, I have brought it into view, for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest, and a proper respect for Congress, require. A difference of opinion has existed, from the first formation of our Constitution to the present time, among our most enlightened and virtuous Citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty, required—and the result is, a settled conviction in my mind, that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the

Constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our Institutions, and will contribute much to preserve them, to apply to our Constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction, that the power is necessary, it will always be granted. In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony, which now manifests itself throughout our Union, promises to such a recommendation the most prompt and favorable result. I think proper to suggest also, in case this measure is adopted, that it be recommended to the States to include, in the amendment sought, a right in Congress to institute, likewise, Seminaries of Learning, for the all-important purpose of diffusing knowledge among our Fellow-Citizens throughout The United States.

Our Manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge acquired in the machinery and fabric of all the most useful manufactures, is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the Nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted that the Capitol is not yet in a state to receive you. There is good cause to presume, that the 2 wings, the only parts as yet commenced, will be prepared for that purpose at the next Session. The time seems now to have arrived, when this subject may be deemed worthy the attention of Congress, on a scale adequate to National purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the Committees, and various Offices belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several Executive Departments, some of whom are much crowded, and even subjected to the necessity of obtaining it in private buildings, at some distance from the head of the Department, and with inconvenience to the management of the public business. Most Nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the Ancient Republics. The policy which dictated the establishment of a permanent residence for the National Government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this Nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west, at the head of a great navigable River, which interlocks with the western waters, prove the wisdom of the Councils which established it. Nothing appears to be more reasonable and

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proper, than that convenient accommodation should be provided, on a well digested plan, for the heads of the several Departments, and for the Attorney-General; and it is believed that the public ground in the City, applied to these objects, will be found amply sufficient. I submit this subject to the consideration of Congress, that such further provision may be made in it, as to them may seem proper.

In contemplating the happy situation of The United States, our attention is drawn, with peculiar interest, to the surviving Officers and Soldiers of our Revolutionary Army, who so eminently contributed, by their services, to lay its foundation. Most of those very meritorious Citizens have paid the debt of nature and gone to repose. It is believed, that among the Survivors there are some not provided for by existing Laws, who are reduced to indigence, and even to real distress. These men have a claim on the gratitude of their Country, and it will do honor to their Country to provide for them. The lapse of a few years more, and the opportunity will be for ever lost; indeed, so long already has been the interval, that the number to be benefited by any provision which may be made, will not be great.

It appearing in a satisfactory manner that the Revenue arising from Imposts and Tonnage, and from the sale of the Public Lands, will be fully adequate to the support of the Civil Government, of the present Military and Naval Establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the Public Debt, and to the extinguishment of it at the times authorized, without the aid of Internal Taxes, I consider it my duty to recommend to Congress their repeal. To impose Taxes, when the public exigencies require them, is an obligation of the most sacred character, especially with a free People. The faithful fulfilment of it is among the highest proofs of their virtue, and capacity for self-government. To dispense with Taxes, when it may be done with perfect safety, is equally the duty of their Representatives. In this instance we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that however gratifying it may be to me, regarding the prosperous and happy condition of our Country, to recommend the repeal of these Taxes at this time, I shall nevertheless be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burthens, as may then be requisite and proper.

JAMES MONROE.

Washington, December 2, 1817.

CONVENTION between Great Britain, Austria, Prussia, and Russia, and France, for the final Liquidation of Private Claims upon the French Government.—Signed at Paris, 25th April, 1818.

(Translation.)

Convention entre Sa Majesté Britannique et Sa Majesté Très Chrétienne, à laquelle Convention Les Empereurs d'Autriche et de Russie et Le Roi de Prusse, sont également Parties Contractantes.—Signée à Paris le 25 Avril, 1818.

Les Cours de la Grande Bretagne, d'Autriche, de Prusse et de Russie, Signataires du Traité du 20 Novembre, 1815, ayant reconnu que la liquidation des Réclamations particulières à la charge de la France, fondées sur la Convention* [No. 13.] conclue en conformité de l'Article IX du dit Traité, pour régler l'exécution des Articles XIX et suivans du Traité du 30 Mai, 1814,* était devenue par l'incertitude de sa durée et de son résultat, une cause d'inquiétude toujours croissante pour la Nation Française, partageant en conséquence avec Sa Majesté Très Chrétienne le désir de mettre un terme à cette incertitude, par une transaction destinée à éteindre toutes ces Réclamations, moyennant une somme déterminée; les dites Puissances et Sa Majesté Très Chrétienne ont nommé pour leurs Plénipotentiaires, savoir;

Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande :

* Le Sieur Charles Stuart, Grand'

Convention between His Britannic Majesty and His Most Christian Majesty; to which Convention the Emperors of Austria and of Russia, and the King of Prussia, are also Contracting Parties.—Signed at Paris, the 25th April, 1818.

The Court of Great Britain, of Austria, of Prussia, and of Russia, Contracting Parties to the Treaty of the 20th of November, 1815, considering that the liquidation of Private Claims upon the French Government, founded upon the Convention* [No. 13.] concluded conformably to the IXth Article of the said Treaty, for regulating the execution of the XIXth and following Articles of the Treaty of the 30th of May, 1814,* had become, by the uncertainty of its duration and result, a source of continually increasing anxiety to the French Nation, and consequently participating in the desire of His Most Christian Majesty to put an end to that uncertainty by an arrangement which should discharge all those Claims by a fixed sum; the said Powers, and His Most Christian Majesty have named for their Plenipotentiaries, viz;

His Majesty the King of the United Kingdom of Great Britain and Ireland :

Sir Charles Stuart, Grand

* See Commercial Treaties, Vol. 1.

Croix du Très Honorable Ordre du Bain, et de l'Ancien Ordre de la Tour et l'Epée, son Conseiller intime actuel et son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Très Chrétienne.

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême :

Le Sieur Nicholas Charles Baron de Vincent, Commandeur de l'Ordre Militaire de Marie-Thérèse, Grand' Croix de l'Ordre Impérial de Léopold et de l'Ordre de l'Epée de Suède, Chevalier Grand' Croix de l'Ordre Militaire du Royaume des Pays Bas, Commandeur de l'Ordre Royal et Militaire de Saint Louis, Grand' Croix de l'Ordre Constantinien de Saint George de Parme, son Chambellan, Conseiller intime actuel, Lieutenant Général de ses Armées, Colonel-Propriétaire d'un Régiment de Chevaux-Legers à son Service, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très Chrétienne.

Sa Majesté Le Roi de France et de Navarre :

Le Sieur Armand Emmanuel Duplessis Richelieu, Duc de Richelieu, Chevalier de l'Ordre Royal et Militaire de Saint Louis et de l'Ordre Royal de la Légion d'Honneur et des Ordres de Saint Alexandre Newsky, Saint Wladimir et Saint George, de Russie, Pair de France, son Premier Gentilhomme de la Chambre, son Ministre et Secrétaire d'Etat des Affaires Etrangères, et Président du Conseil de ses Ministres.

Cross of the Most Honourable Order of the Bath, and of the Ancient Order of the Tower and Sword, one of his Most Honourable Privy Council, and his Ambassador Extraordinary and Plenipotentiary to His Most Christian Majesty.

His Majesty the Emperor of Austria, King of Hungary and Bohemia :

The Sieur Nicholas Charles Baron de Vincent, Commander of the Military Order of Maria Theresa, Grand Cross of the Imperial Order of Leopold, and of the Swedish Order of the Sword, Knight Grand Cross of the Military Order of the Kingdom of the Netherlands, Commander of The Royal and Military Order of Saint Louis, Grand Cross of the Constantinian Order of Saint George of Parma, his Chamberlain, and Privy Councillor, Lieutenant-General in his Armies, Colonel of a Regiment of Light Horse in his Service, his Envoy Extraordinary and Minister Plenipotentiary to His Most Christian Majesty.

His Majesty the King of France and Navarre :

The Sieur Armand Emanuel Duplessis Richelieu, Duke of Richelieu, Knight of the Royal and Military Order of Saint Louis, and of the Royal Order of the Legion of Honour, and of the Orders of Saint Alexander Newsky, Saint Wladimir, and Saint George, of Russia, Peer of France, First Gentleman of his Bedchamber, his Minister and Secretary of State for Foreign Affairs, and President of the Council of his Ministers.

Sa Majesté Le Roi de Prusse :

Le Sieur Charles Frédéric Henri Comte de Goltz, Grand' Croix de l'Ordre de l'Aigle Rouge, Chevalier de la Croix de Fer de la Première Classe et de l'Ordre pour le Mérite Militaire de Prusse, Grand' Croix de l'Ordre de Sainte Anne, Chevalier de l'Ordre de Saint George de la Quatrième Classe, et de l'Ordre de Saint Wladimir de la Troisième Classe de la Russie ; Commandeur de l'Ordre du Mérite Militaire de France ; Chevalier de l'Ordre Militaire de Marie Thérèse d'Autriche, de celui de l'Epée de Suède, et de celui du Mérite Militaire de Bavière, Lieutenant-Général de ses Armées, et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très Chrétienne.

Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne :

Le Sieur Charles André Pozzo di Borgo, Lieutenant-Général de ses Armées, son Aide-de-Camp Général, son Ministre Plénipotentiaire près Sa Majesté Très Chrétienne, Chevalier Grand' Croix de l'Ordre de Saint Wladimir de la Seconde Classe, de Sainte Anne de la Première, de Saint George de la Quatrième, Grand' Croix de l'Ordre de Charles III d'Espagne, de celui de Saint Maurice et Lazare de Sardaigne, de Saint Ferdinand de Naples, et de l'Ordre des Guelphes d'Hanovre, Commandeur des Ordres Royal et Militaire de Saint Louis.

His Majesty the King of Prussia :

The Sieur Charles Frederic Henry Count de Goltz, Grand Cross of the Order of the Red Eagle, Knight of the Iron Cross of the First Class, and of the Prussian Order of Merit, Grand Cross of the Order of Saint Ann, Knight of the Order of Saint George of the Fourth Class, and of the Third Class of the Russian Order of Saint Wladimir, Commander of the French Military Order of Merit, Knight of the Military Order of Maria Theresa of Austria, of the Swedish Order of the Sword, and of the Bavarian Military Order of Merit, Lieutenant-General in his Armies, and his Envoy Extraordinary and Minister Plenipotentiary to His Most Christian Majesty.

His Majesty the Emperor of All the Russias, King of Poland :

The Sieur Charles André Pozzo di Borgo, Lieutenant-General in his Armies, his Aide-de-Camp-General, his Minister Plenipotentiary to His Most Christian Majesty, Knight Grand Cross of the Order of Saint Wladimir of the Second Class, of Saint Ann of the First, of Saint George of the Fourth, Grand Cross of the Order of Charles III of Spain, of those of Saint Maurice and Lazare of Sardinia, of Saint Ferdinand of Naples, and of the Order of the Guelphs of Hanover, Commander of the Royal and Military Orders of St. Louis.

Et attendu qu'elles ont considéré que le concours de son Excellence Monsieur Le Maréchal Duc de Wellington contribuerait efficacement au succès de cette Négociation ; les Plénipotentiaires Soussignés, après avoir arrêté de concert avec lui et d'accord avec les Parties intéressées, les bases de l'arrangement à conclure, sont convenus, en vertu de leurs Pleins Pouvoirs, des Articles suivans :—

ART. I. A l'effet d'opérer l'extinction totale des Dettes contractées par la France, dans les Pays hors de son Territoire actuel, envers des Individus, des Communes ou des Etablissements particuliers quelconques, dont le paiement est réclamé en vertu des Traités du 30 Mai, 1814, et du 20 Novembre, 1815, le Gouvernement Français s'engage à faire inscrire sur le Grand Livre de sa Dette Publique, avec jouissance du 22 Mars, 1818, une Rente de 12,040,000 francs, représentant un Capital de 240,800,000 francs.

II. Les sommes remboursables au Gouvernement Français, en vertu de l'Article XXI du Traité du 30 Mai, 1814, et des Articles VI, VII, et XXII de la susdite Convention du 20 Novembre, 1815, serviront à compléter les moyens d'extinction des susdites Dettes de la France envers les Sujets des Puissances qui étoient chargées du remboursement de ces sommes.

En conséquence, le Gouverne-

And the undersigned Plenipotentiaries, being of opinion that the concurrence of His Excellency Field Marshal the Duke of Wellington, would effectually contribute to the success of this Negotiation ; after having settled in concert with him, and by the consent of the Parties concerned, the bases of the arrangement to be concluded, have agreed, in virtue of their Full Powers, to the following Articles :—

ART. I. For the purpose of effecting the total discharge of Debts contracted by France, in Countries which do not form a part of her present Territory, with any Individuals, Corporations, or Establishments whatsoever, payment of which Debts is claimed in virtue of the Treaties of the 30th of May, 1814, and of the 20th of November, 1815, the French Government engages to cause to be inscribed upon the Great Book of its Public Debt, with Interest from the 22nd of March, 1818, a *Rente* of 12,040,000 francs, representing a capital of 240,800,000 francs.

II. The sums to be reimbursed to the French Government, in virtue of the XXIst Article of the Treaty of the 30th May, 1814, and of the VIth, VIIth, and XXIInd Articles of the aforesaid Convention of the 20th November, 1815, will serve to complete the means of discharging the said Debts owing by France to the Subjects of those Powers who were charged with the reimbursement of these sums.

And, consequently, the French

ment Français reconnaît n'avoir plus rien à réclamer, en raison du dit remboursement.

De leur côté les dites Puissances reconnaissent que les déductions et bonifications, auxquelles donnoit lieu en leur faveur l'Article VII de la Convention du 20 Novembre, 1815, étant également comprises dans l'évaluation de la somme fixée par l'Article I de la présente Convention, ou abandonnées par les Puissances intéressées, toutes réclamations et prétentions à cet égard se trouvent complètement éteintes.

Il est bien entendu que le Gouvernement Français, conformément aux Stipulations contenues dans les Articles VI et XXII de la même Convention, continuera à servir la rente des Dettes des Pays détachés de son Territoire qui ont été converties en Inscriptions sur le Grand Livre de la Dette Publique, soit que ces Inscriptions se trouvent entre les mains des Possesseurs originaires, soit qu'elles aient été transférées à d'autres Personnes.

Néanmoins la France cesse d'être chargée des Rentes Viagères de la même origine, dont le paiement doit être à la charge des Possesseurs actuels du Territoire, à partir du 22 Décembre, 1813.

Il est de plus convenu qu'il ne pourra être mis aucun obstacle au libre transfert des Inscriptions des Rentes appartenans à des Individus, Communautés ou Corporations, qui ont cessé d'être Français.

Government abandonsevery Claim in respect to the said reimbursement.

On their part, the said Powers acknowledge, that as the deductions and compensations, (*bonifications*,) stipulated in their favour by the VIIth Article of the Convention of the 20th November, 1815, are either comprised in the amount of the sum fixed by the Ist Article of the present Convention, or are abandoned by the Powers interested, all Reclamations and Claims on that account are now completely cancelled.

It is understood that the French Government, conformably to the Stipulations contained in the VIth and XXIInd Articles of the same Convention, shall continue to pay the interest of the Debts of Countries detached from its Territory, which have been converted into Inscriptions in the Great Book of the Public Debt, whether those Inscriptions remain in the hands of their original Possessors, or shall have been transferred to other Persons.

Nevertheless, France shall no longer be charged with the Life Annuities originating from the same source, the payment of which shall be at the charge of the actual Possessors of the Territory, computing from the 22nd of December, 1813.

It is further agreed, that no objections shall be made to the free transfer of Inscriptions of *Rentes* belonging to those Individuals, Communities, or Corporations, which have ceased to be French.

III. Les reprises que le Gouvernement Français aurait pu être autorisé à exercer sur les cautionnemens de certains comptables, dans les cas prévus par les Articles X et XXIV de la Convention du 20 Novembre, 1815, étant également entrées dans la transaction qui fait l'objet de la présente Convention, elles se trouvent par là complètement éteintes. Quant à ceux de ces cautionnemens qui auroient été fournis en immeubles ou Inscriptions sur le Grand Livre, il sera procédé à la radiation des Inscriptions hypothécaires ou à la levée des oppositions sur la demande des susdits Gouvernemens, et les dites Inscriptions, ainsi que les actes de main levée seront remis à leurs Commissaires respectifs ou à leurs Délégués.

IV. Les sommes versées à titre de Cautionnemens, Dépôts ou Consignations par des Sujets Français, serviteurs des Pays détachés de la France, dans leurs Trésors respectifs, et qui devoient leur être remboursées en vertu de l'Article XXII du Traité du 30 Mai, 1814, étant comprises dans la présente transaction, les dites Puissances se trouvent complètement libérées à leur égard, le Gouvernement Français se chargeant de pourvoir à leur remboursement.

V. Au moyen des Stipulations contenues dans les Articles précédens, la France se trouve complètement libérée, tant pour le capital que pour les intérêts prescrits par l'Article XVIII de la

III. As the deductions, which the French Government might have been authorised to make from the securities of Persons deemed accountable, as provided for by the Xth and XXIVth Articles of the Convention of the 20th November, 1815, are equally included in the arrangement which forms the object of this Convention, they are hereby completely annulled. With respect to such of these securities as have been furnished in immoveables, or in Inscriptions on the Great Book, the cancelling of the Mortgage Inscriptions, or the withdrawing of the Protests shall take place upon the demand of the aforesaid Governments; and the said Inscriptions, as well as the acts of replevy, shall be remitted to their respective Commissioners, or to their Delegates.

IV. The sums under the heads of Securities, Deposits, or Consignments, vested by French Subjects in the service of Countries detached from France, and placed in the respective Funds of those Countries, and which Sums were to be repaid them in virtue of the XXnd Article of the Treaty of the 30th of May, 1814, being comprised in the present transaction, the above named Powers are completely exonerated on that point, and the Government of France undertakes to reimburse them.

V. By virtue of the Stipulations contained in the preceding Articles, France is completely liberated, as well in respect of the principal as the interest, prescribed by the XVIIIth Article of

Convention du 20 Novembre, 1815, des Dettes de toute nature prévues par le Traité du 30 Mai, 1814, et la Convention du 20 Novembre, 1815, et réclamées dans les formes prescrites par la susdite Convention, de sorte que les dites Dettes seront considérées à son égard comme éteintes et annulées, et ne pourront jamais donner lieu contr'elle à aucune espèce de ré-pétition.

VI. En conséquence des dispositions précédentes les Commissions Mixtes instituées par l'Article V de la Convention du 20 Novembre, 1815, cesseront le travail de liquidation ordonné par la même Convention.

VII. La Rente qui sera créée en vertu de l'Article I de la présente Convention sera répartie entre les Puissances ci-après nommées, ainsi qu'il suit :

	<i>France.</i>
Anhalt Bernbourg.....	17,500
Anhalt Dessau.....	18,500
Autriche.....	1,250,000
Bade.....	32,500
Bavière.....	500,000
Brème.....	50,000
Danemarck.....	350,000
Espagne.....	850,000
Etats Romains.....	250,000
Frankfort.....	35,000
Hambourg.....	1,000,000
Hanovre.....	500,000
Hesse Electorale.....	25,000
Grand Duché d'Hesse y compris Oldenbourg.....	348,150
Iles Ioniennes, Ile de France et autres Pays sous la domination de Sa Majesté Britannique.....	150,000
Lubeck.....	100,000
Mecklenbourg Schwerin....	25,000
Mecklenbourg Strelitz....	1,750
Nassau.....	6,000
Parme.....	50,000
Pays Bas.....	1,650,000
Portugal.....	40,900

the Convention of the 20th November, 1815, of the Debts of every description, contemplated in the Treaty of the 30th of May, 1814, and the Convention of the 20th November, 1815, and claimed in the manner prescribed by the aforesaid Convention; so that the said Debts shall be considered with respect to France, as extinguished and annulled, and can never be again brought forward against her in any shape whatever.

VI. In consequence of the preceding arrangements, the Mixed Commissions instituted by the Vth Article of the Convention of the 20th November, 1815, shall close the proceedings of liquidation ordered by that Convention.

VII. The *Rente* which shall be created in virtue of the 1st Article of the present Convention, shall be distributed amongst the herein-after-named Powers, as follows:

	<i>France.</i>
Anhalt Bernbourg.....	17,500
Anhalt Dessau.....	18,500
Austria.....	1,250,000
Baden.....	32,500
Bavaria.....	500,000
Bremen.....	50,000
Denmark.....	350,000
Spain.....	850,000
The Roman States.....	250,000
Frankfort.....	35,000
Hamburgh.....	1,000,000
Hanover.....	500,000
Hesse (Electoral).....	25,000
Grand Duchy of Hesse, comprising Oldenburgh.....	348,150
The Ionian Isles, the Isle of France, and other Countries under the dominion of His Britannic Majesty.....	150,000
Lubeck.....	100,000
Mecklenburgh Schwerin....	25,000
Mecklenburgh Strelitz.....	1,750
Nassau.....	6,000
Parma.....	50,000
The Netherlands.....	1,650,000
Portugal.....	40,900

	<i>Francs.</i>		<i>Francs.</i>
Prusse	2,600,000	Prussia	2,600,000
Reuss	3,250	Reuss	3,250
Sardaigne.....	1,250,000	Sardinia	1,250,000
Saxe.....	225,000	Saxony	225,000
Saxe Gotha	30,000	Saxe Gotha	30,000
Saxe Meiningen	1,000	Saxe Meiningen	1,000
Saxe Weimar	9,250	Saxe Weimar	9,250
Schwartzbourg.....	7,500	Schwartzburg	7,500
Suisse	250,000	Switzerland	250,000
Toscane	225,000	Tuscany	225,000
Wurtemberg	20,000	Wurtemberg	20,000
Hanovre, Brunswick, Hesse Electoral et Prusse	8,000	Hanover, Brunswick, Hesse Electoral, and Prussia....	8,000
Hesse Electorale et Saxe Weimar	700	Hesse (Electoral) and Saxe Weimar.....	700
Grand Duché de Hesse et Bavière.....	10,000	Grand Duchy of Hesse and Bavaria.....	10,000
Grand Duché de Hesse, Ba- vière, et Prusse	40,000	Grand Duchy of Hesse, Ba- varia, and Prussia.....	40,000
Saxe et Prusse.....	110,000	Saxony and Prussia.....	110,000

VIII. La somme de 12,040,000 francs de Rentes, stipulées par l'Article I, portera jouissance du 22 Mars, 1818; elle sera déposée en totalité entre les mains des Commissaires Spéciaux des Cours d'Autriche, de la Grande Bretagne, de Prusse et de Russie, pour être ensuite délivrée à qui de droit aux époques et dans les formes suivantes :

1°. Le 1er de chaque mois, le 12ème de ce qui reviendra à chaque Puissance, conformément à la répartition ci-dessus, sera remis à ses Commissaires à Paris ou aux Délégués de ceux-ci : lesquels Commissaires ou Délégués en disposeront de la manière indiquée ci-après.

2°. Les Gouvernemens respectifs ou les Commissaires de Liquidation qu'ils établiront, feront remettre à la fin de chaque mois, aux Individus dont les créances auront été liquidées et qui désire-roient rester propriétaires des quo-

VIII. The sum of 12,040,000 francs in *Rentes*, stipulated for in the Ist Article, shall bear interest from the 22nd March, 1818; the whole of it shall be deposited in the hands of the Special Commissioners of the Courts of Austria, Great Britain, Prussia, and Russia, to be afterwards delivered to those entitled thereto, at the periods and in the manner following :

1st. On the 1st of each month, the 12th part of such sum as may become due to each Power, conformably with the foregoing distribution, shall be transferred to their Commissioners at Paris, or their Delegates; which Commissioners or Delegates shall dispose thereof, in the manner hereafter directed.

2nd. The respective Govern-ments or the Commissioners of Liquidation to be appointed by them, shall, at the end of every month, cause to be transferred to the Individuals whose debts shall have been liquidated, and who

tités de Rentes qui leur seront allouées, des Inscriptions du montant de la somme qui reviendra à chacun d'eux.

3°. Pour toutes les autres Créances liquidées, ainsi que pour toutes les sommes qui ne seraient pas assez fortes pour pouvoir en former une Inscription séparée, les Gouvernements respectifs se chargent de les faire réunir en une seule Inscription collective, dont ils ordonneront la vente en faveur des Parties intéressées par l'entremise de leurs Commissaires ou Agens à Paris.

Le dépôt de la susdite Rente de 12,040,000 francs, aura lieu le 1er du mois qui suivra le jour de l'échange des Ratifications de la présente Convention, par les Cours d'Autriche, de la Grande Bretagne et de Prusse seulement, attendu l'éloignement de la Cour de Russie.

IX. La délivrance des dites Inscriptions aura lieu nonobstant toute signification de transfert ou opposition au Trésor Royal de France.

Néanmoins, les oppositions et significations qui auroient été formées, soit au Trésor soit entre les mains des Commissaires Liquidateurs, auront, suivant l'ordre de leur inscription, leur plein et entier effet, au profit des tiers intéressés, pourvu (à l'égard de celles qui ont été inscrites au Trésor) que dans le délai d'un mois, à dater du jour de l'échange des Ratifications de la présente Convention, la liste en ait été remise aux Com-

may wish to remain Proprietors of the Shares of *Rentes* which shall be allotted them, Inscriptions to the amount of the sums that may be due to them respectively.

3rd. All other liquidated Claims, as well as the sums which may not be of an amount sufficient to form a separate Inscription, shall be united in one collective Inscription by the respective Governments, who shall direct their Commissioners or Agents, in Paris, to sell them for the benefit of the Parties interested.

The deposit of the aforesaid *Rente* of 12,040,000 francs, shall be made on the 1st day of the month succeeding the date of the exchange of the Ratifications of the present Convention, by the Courts of Austria, Great Britain, and Prussia, only, on account of the remote situation of the Court of Russia.

IX. The delivery of the said Inscriptions shall take place notwithstanding any notice of transfer or protest to the Royal Treasury of France.

Nevertheless the Protests and Notices which shall have been made to the Treasury, or delivered to the Commissioners of Liquidation, shall have, according to the order of their inscription, their full and entire effect, for the benefit of the 3rd Party concerned, provided (with regard to those which have been inscribed at the Treasury), that within the period of 1 month from the day of the exchange of the Ratifications of

missaires des Puissances respectives, avec les Pièces à l'appui, sans néanmoins, préjudicier à la faculté, que doivent conserver les Parties intéressées, d'en justifier directement, en produisant leurs titres. Le terme de rigueur fixé ci-dessus étant expiré, on n'aura plus égard aux oppositions et significations qui n'auraient pas été notifiées aux Commissaires, soit par le Trésor, soit par les Parties intéressées. Il sera toutefois permis de former opposition ou de faire tout autre acte conservatoire entre les mains des dits Commissaires ou des Gouvernemens dont ils dépendent.

Les oppositions dont la notification aura été faite en tems utile, seront, pour les demandes en validité ou en main levée, portées devant le Tribunal de la Partie saisie.

X. Les Gouvernemens respectifs voulant prendre dans l'intérêt de leurs Sujets, créanciers de la France, les mesures les plus efficaces pour faire opérer, chacun en particulier, la liquidation des créances et la répartition aux quels les dits Créanciers auront proportionnellement droit, d'après les principes contenus dans les Stipulations du Traité du 30 Mai, 1814, et de la Convention du 20 Novembre, 1815 ; il est convenu qu'à cet effet, le Gouvernement Français fera remettre aux Commissaires des dits Gouvernemens ou à leurs Délégués, les dossiers contenant les Pièces à l'appui des Réclama-

the present Convention, a list thereof shall be transmitted to the Commissioners of the respective Powers, with its supporting Documents; without, however, any prejudice to the power which the Parties interested retain, to make good the same in a direct manner by the production of their Documents. The precise term above-mentioned having expired, no regard shall be paid to the Protests or Notices which shall not have been previously delivered in to the Commissioners, whether from the Treasury or other Persons concerned. Protests or Appeals shall however be admitted, when made to the said Commissioners or to the Governments to which they belong.

The Protests, of which notice shall have been given within the proper time, either in respect to Claims established or judgments obtained, shall be carried before the Tribunal of the Party attached.

X. The respective Governments, being desirous to adopt the most effectual means of liquidating the debts due from France to the Subjects of each, and of distributing the funds to which the said Creditors are in due proportion entitled, according to the principles contained in the Stipulations of the Treaty of the 30th May, 1814, and of the Convention of the 20th November, 1815 ; it is agreed that, to this end, the French Government shall cause to be transmitted to the Commissioners of the said Governments, or their Delegates, the files containing the Documents in support of the

tions non encore payées, et donnera, en même tems, les ordres les plus précis pour que tous les renseignements et Documens que la vérification de ces Réclamations pourra rendre nécessaires, soient fournis, dans le plus court délai possible, aux susdits Commissaires, par les différens Ministères et Administrations. Il est de plus convenu, que dans le cas où il auroit été payé des à comptes, ou si le Gouvernement Français avait eu des imputations ou des reprises à faire sur quelques unes des dites Réclamations particulières, ces à comptes, imputations, et reprises, seront exactement indiqués.

XI. La liquidation des Réclamations pour services militaires exigeant quelques formalités particulières, il est convenu à cet égard :

1°. Que pour le payement des militaires qui ont appartenu à des Corps dont les Conseils d'Administration ont fourni des Bordereaux de Liquidation, il suffira de produire les dits Bordereaux ou d'en rapporter des Extraits dûment certifiés.

2°. Que dans le cas où les Conseils d'Administration des Corps n'auraient pas fourni des Bordereaux de Liquidation, les depositaires des archives des dits Corps devront constater les sommes dues aux militaires qui en auront fait partie, et en dresser un Bordereau dont ils attesteront la vérité.

3°. Que les créances des Officiers d'Etat Major ou Officiers sans troupes, ainsi que celles des Employés de l'Administration militaire seront vérifiées dans les Bureaux de la Guerre, conformément

Claims not yet discharged, and at the same time shall give the most precise orders, that all the information and Papers that can be necessary for the verification of those Claims, shall be furnished with the least possible delay to the said Commissioners, by the different Offices and Departments. It is further agreed, that in cases where payments shall have been made on account, or the French Government shall have had charges or deductions to make upon any of these individual Claims, such payments, charges, and deductions shall be exactly specified.

XI. The liquidation of the Claims for military services requiring certain particular forms, it is agreed with regard thereto :

1st. That for the payment of the military who have belonged to Corps, the Boards of Administration of which have furnished Schedules of Liquidation, it shall be sufficient that the said Schedules be produced, or Extracts therefrom, duly certified.

2nd. That where the Boards of Administration of Corps shall not have furnished Schedules of Liquidation, the depositaries of the archives of the said Corps shall ascertain the sums due to the Military belonging thereto, and deliver in a Schedule thereof, to the correctness of which they shall certify.

3rd. That debts due to Officers of the Staff, or to Officers unattached, as well as to the Persons employed by the Military Administration, shall be verified at the War Offices, conformably to the

aux Régles établies pour les Militaires et Employés Français, par la Circulaire du 13 Décembre, 1814, et en joignant aux Bordereaux les Pièces à l'appui, ou quand cela ne sera pas praticable, en en donnant communication aux Commissaires ou à leurs Délégués.

XII. Pour faciliter la liquidation qui doit avoir lieu, conformément à l'Article X ci dessus, des Commissaires nommés par le Gouvernement Français serviront d'intermédiaire pour les communications avec les divers Ministères et Administrations. Ce sera de même par eux que se fera la remise des dossiers de Pièces justificatives. Cette remise sera exactement constatée et il leur en sera donné acte, soit par émarginement, soit par procès verbal.

XIII. Attendu que certains Territoires ont été divisés entre plusieurs Etats, et que dans ce cas, c'est en général l'Etat auquel appartient la plus grande partie du Territoire qui s'est chargé de faire valoir les Réclamations communes fondées sur les Articles VI, VII, et IX de la Convention du 20 Novembre, 1815, il est convenu que le Gouvernement qui aura fait la Réclamation traitera, pour le paiement des Créances, les Sujets de tous les Etats intéressés comme les sien propres.

D'une autre part, comme malgré cette division des Territoires, le possesseur principal a supporté la déduction de la totalité des capitaux et intérêts remboursés, il lui en sera tenu compte par les Etats

regulations established for the French Military, and *Employés*, by the Circular of the 13th December, 1814, the Documents in support of the Schedules being annexed thereto, or when that shall not be practicable, communication being made of the same to the Commissioners or their Delegates.

XII. To facilitate the liquidation that is to take place according to the Xth Article above cited, the Commissioners named by the French Government shall form the medium of communication with the different Offices and Administrations. Through their means also the files of justificatory Documents shall be transmitted. These transfers shall be correctly verified, and registry thereof taken for them, either on the margin, or by a *procès verbal*.

XIII. Whereas certain Territories have been divided between several States, and whereas in such cases, that State to which the greatest part of the Territory belongs, has in general engaged to bring forward the common Claims, founded upon the VIth, VIIth, and IXth Articles of the Convention of the 20th November, 1815; it is agreed that the Government which shall have put forward the Claims, shall, in paying the Creditors, treat the Subjects of all the States interested as its own.

On the other hand, since, notwithstanding this division of Territories, the principal possessor has borne the deduction of the whole capital and interest reimbursed, the other Co-States shall account

copartageans proportionnellement à la part du dit Territoire, que chacun possède conformément aux principes posés dans les Articles VI et VII de la Convention du 20 Novembre, 1815.

S'il survient quelques difficultés relativement à l'exécution du présent Article, elles seront réglées par une Commission d'Arbitrage formée suivant le mode et les principes indiqués par l'Article VIII de la susdite Convention.

XIV. La présente Convention sera ratifiée par les Hautes Parties Contractantes, et les Ratifications en seront échangées à Paris, dans l'espace de 2 mois, ou plutôt si faire se peut.

XV. Les Etats qui ne sont pas au nombre des Puissances Signataires, mais dont les intérêts se trouvent réglés par la présente Convention, d'après le concert préliminaire qui a eu lieu entre leurs Plénipotentiaires et Son Excellence Monsieur le Duc de Wellington, réuni aux Soussignés Plénipotentiaires des Cours Signataires du Traité du 20 Novembre, 1815, sont invités à faire remettre dans le même terme de 2 mois leurs Actes d'Accession.

Fait à Paris, le 25 Avril, 1818.

(L.S.) CHARLES STUART.
(L.S.) LE B^{on}. DE VINCENT.
(L.S.) RICHELIEU.
(L.S.) F. C^{on}. DE GOLTZ.
(L.S.) POZZO DI BORGIO.

to him for the same, in proportion to the part of the said Territory possessed by each one, conformably to the principles laid down in the VIth and VIIth Articles of the Convention of the 20th November, 1815.

If any difficulties should arise relative to the execution of the present Article, they shall be settled by a Commission of Arbitration formed according to the mode and principles indicated by the VIIIth Article of the above-mentioned Convention.

XIV. The present Convention shall be ratified by the High Contracting Powers, and the Ratifications be exchanged at Paris, within the space of 2 months, or sooner if practicable.

XV. The States not actually Contracting Parties to the present Convention, but whose interests are affected thereby, in conformity to the preliminary agreement which took place between their Plenipotentiaries, and His Excellency the Duke of Wellington, in concert with the Undersigned Plenipotentiaries of the Courts, who were Contracting Parties to the Treaty of the 20th November, 1815, are invited to transmit their Acts of Accession within the said space of 2 months.

Done at Paris, the 25th April, 1818.

(L.S.) CHARLES STUART.
(L.S.) LE B^{on}. DE VINCENT.
(L.S.) RICHELIEU.
(L.S.) F. C^{on}. DE GOLTZ.
(L.S.) POZZO DI BORGIO.

CONVENTION between Great Britain and France, for the final Arrangement of the Claims of British Subjects. Signed at Paris, 25th April, 1818;—and Additional Articles thereto, signed at Paris, 4th July, 1818.

Convention entre Sa Majesté Britannique et Sa Majesté Très Chrétienne, pour l'Arrangement final des Réclamations des Sujets de Sa Majesté Britannique envers le Gouvernement Français; Signée à Paris, le 25 Avril, 1818;—avec ses Articles Séparés et Additionnels.

Sa Majesté Britannique et Sa Majesté Très Chrétienne, désirant écarter tous les obstacles qui ont retardé, jusqu'à présent, l'exécution pleine et entière de la Convention [No. 7.] conclue en conformité de l'Article IX du Traité du 20 Novembre 1815, relative à l'examen et à la liquidation des Réclamations des Sujets de Sa dite Majesté Britannique envers le Gouvernement Français, ont nommé pour leurs Plénipotentiaires, savoir:—Sa Majesté Britannique—le Sieur Charles Stuart, Grand Croix du Très Honorable Ordre du Bain, et de l'Ancien Ordre de la Tour et l'Épée, son Conseiller intime actuel, et son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Très Chrétienne; et Sa Majesté Très Chrétienne—le Sieur Armand Emmanuel Duplessis Richelieu, Duc de Richelieu, Chevalier de l'Ordre Royal et Militaire de Saint Louis, et de l'Ordre Royal de la Légion d'Honneur, et des Ordres de Saint Alexandre Newsky, et Saint George, de Russie, Pair de France, son

Convention between His Britannic Majesty and His Most Christian Majesty, for the final Arrangement of the Claims of the Subjects of His Britannic Majesty upon the Government of France; Signed at Paris, April 25, 1818;—with its Separate and Additional Articles.

His Britannic Majesty and His Most Christian Majesty, being desirous of removing all the obstacles which have hitherto retarded the full and entire execution of the Convention [No. 7.] concluded in conformity to the IXth Article of the Treaty of the 20th of November 1815, relative to the examination and liquidation of the Claims of the Subjects of His Britannic Majesty against the Government of France, have named for their Plenipotentiaries:—His Britannic Majesty, Sir Charles Stuart, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Ancient Order of the Tower and Sword, one of His Majesty's Most Honourable Privy Council, and His Ambassador Extraordinary and Plenipotentiary to His Most Christian Majesty; and His Most Christian Majesty, the Sieur Armand Emanuel Duplessis Richelieu, Duke of Richelieu, Knight of the Royal and Military Order of Saint Louis, of the Royal Order of the Legion of Honour, and of the Orders of Saint Alexander

Premier Gentilhomme de la Chambre, son Ministre et Secrétaire d'Etat des Affaires Etrangères, et Président du Conseil de ses Ministres; lesquels, après s'être communiqués leurs Pleins Pouvoirs respectifs, sont convenus des Articles suivans :

ART. I. A l'effet d'opérer le remboursement et l'extinction totale, tant pour le capital que pour les intérêts, des Créances des Sujets de Sa Majesté Britannique, dont le payement est réclamé en vertu de l'Article Additionnel du Traité du 30 Mai 1814, et de la susdite Convention du 20 Novembre 1815, il sera inscrit sur le Grand Livre de la Dette Publique de France, avec jouissance du 22 Mars 1818, une Rente de 3,000,000 de francs, représentant un Capital de 60,000,000 de francs.

II. La portion de Rente qui est encore disponible sur les fonds créés en vertu de l'Article IX de la susdite Convention du 20 Novembre 1815, y compris les Intérêts composés et accumulés depuis le 22 Mars 1816, reste également affectée au remboursement des mêmes créances; en conséquence les Inscriptions des dites Rentes seront remises aux Commissaires Liquidateurs de Sa Majesté Britannique, immédiatement après l'échange des Ratifications de la présente Convention.

Newskey and Saint George of Russia, Peer of France, His Majesty's First Gentleman of the Chamber, His Minister and Secretary of State for Foreign Affairs, and President of His Privy Council; who, after having respectively communicated their Full Powers, have agreed to the following Articles :

ART. I. In order to effect the payment and entire extinction, as well of the capital as of the interest thereon, due to the Subjects of His Britannic Majesty, and of which the payment has been claimed in virtue of the Additional Article to the Treaty of the 30th of May 1814, and also in virtue of the above-mentioned Convention of the 20th of November 1815, there shall be inscribed, in the Great Book of the Public Debt of France, a perpetual Annuity of 3,000,000 francs, representing a Capital of 60,000,000 francs, and which 3,000,000 shall bear Interest from the 22nd of March 1818.

II. Such part of the Annuity as is still disposeable out of the Fund created in virtue of the IXth Article of the above-mentioned Convention of the 20th of November, 1815, together with all the Interest accumulated thereon since the 22nd of March 1816, shall be equally applicable to the payment of the said Claims; in consequence, the Inscriptions of the above-mentioned Annuities shall be delivered over to the Commissioners of His Britannic Majesty, immediately after the exchange of the Ratifications of the present Convention.

O

III. La Rente de 3,000,000 francs, qui sera créée conformément à l'Article I, ci-dessus, sera divisée en 12 Inscriptions de valeur égale, portant toutes jouissance du 22 Mars 1818, lesquelles seront inscrites au nom des Commissaires de Sa Majesté Britannique, ou de ceux qu'ils désigneront, et leur seront successivement remises de mois en mois, à commencer du jour de l'échange des Ratifications de la présente Convention.

IV. La délivrance des dites Inscriptions aura lieu nonobstant toute signification de transfert ou oppositions faites au Trésor Royal de France, ou entre les mains des Commissaires de Sa Majesté Britannique.

La liste des significations et oppositions qui existeroient au Trésor Royal sera néanmoins remise, avec les Pièces à l'appui, aux dits Commissaires de Sa Majesté Britannique, dans le délai d'un mois, à dater du jour de l'échange des Ratifications de la présente Convention: et il est convenu que le paiement des sommes contestées sera suspendu jusqu'à ce que les contestations qui auroient donné lieu aux dites oppositions ou significations aient été jugées par le Tribunal compétent, qui, dans ce cas, sera celui de la Partie saisie.

Le terme de rigueur fixé ci-dessus étant expiré, on n'aura plus égard aux oppositions et significations qui n'auroient pas été cer-

III. The Annuity of 3,000,000 francs which shall be created, in conformity to the above 1st Article, shall be divided into 12 equal Inscriptions, all of which shall bear Interest from the 22nd of March 1818, and shall be inscribed in the name of the Commissioners of His Britannic Majesty, or of those whom they shall appoint, and shall be made over to them at the rate of 1 in each successive Month, to begin from the day of the exchange of the Ratifications of the present Convention.

IV. The delivery of the said Inscriptions shall take place, notwithstanding any notifications of transfer or attachments laid at the Royal Treasury of France, or in the hands of the Commissioners of His Britannic Majesty.

The list of the notifications which may have been laid at the Royal Treasury, together with the requisite Documents, shall, nevertheless, be delivered over to the said Commissioners of His Britannic Majesty, within the term of 1 month from the date of the exchange of the Ratifications of the present Convention; and it is agreed that the payment of the Monies in litigation shall be suspended until the Suits which shall have given rise to the said attachments or notifications shall have been tried by a competent Tribunal, which, in such case, shall be that of the Party in possession.

When the above-mentioned term of delay shall have expired, no attention shall be paid to the attachments or notifications of

tiſées aux Commissaires, soit par le Trésor, soit par les Parties intéressées. Il sera toutefois permis de former opposition, ou de faire tout autre acte conservatoire entre les mains des dits Commissaires, ou du Gouvernement de Sa Majesté Britannique.

V. Le Gouvernement Britannique voulant prendre, dans l'intérêt de ses Sujets, créanciers de la France, les mesures les plus efficaces pour faire opérer la liquidation des créances et la répartition des fonds auxquels les dits Créanciers auront proportionnellement droit, d'après les principes contenus dans les Stipulations du Traité du 30 Mai 1814, et de la Convention du 20 Novembre 1815, il est convenu, qu'à cet effet, le Gouvernement Français sera remettre aux Commissaires de Sa Majesté Britannique les Dossiers contenant les Pièces à l'appui des réclamations non encore payées, et donnera en même tems les ordres les plus précis pour que tous les renseignemens et Documents que la vérification de ces réclamations pourra rendre nécessaire, soient fournis dans le plus court délai possible, aux susdits Commissaires par les différens Ministères et Administrations.

VI. Les créances des Sujets de Sa Majesté Britannique déjà liquidées, et sur lesquelles il reste encore un 5ème à payer, seront soldées aux échéances qui avaient été précédemment fixées, et les 5èmes coupures seront délivrées

transfer, which shall not have been communicated to the Commissioners, either by the Treasury or by the Parties. It shall however be allowable to lodge attachments, or to execute any other act, preservative of their interests, in the hands of the said Commissioners, or of the British Government.

V. The British Government desiring, for the interests of its Subjects, being Creditors of France, to take the most efficacious measures for effecting the liquidation of the Claims and the distribution of the Funds to which the said Creditors shall be entitled in their respective proportions, according to the principles contained in the Stipulations of the Treaty of the 30th of May 1814, and of the Convention of the 20th November 1815, it is agreed that, for this purpose, the French Government shall cause to be delivered to the Commissioners of His Britannic Majesty, the Documents in support of the Claims which are unpaid, and shall give, at the same time, the most positive orders that all the information and Documents, which shall be necessary for verifying the Claims, shall be furnished within the shortest possible term, by the Officers of the French Departments of Government.

VI. The Claims of the Subjects of His Britannic Majesty already liquidated, and of which a 5th portion still remains to be paid, shall be discharged at the dates which have been previously fixed upon, and the 5th portions shall

sur la seule autorisation des Commissaires de Sa Majesté Britannique.

VII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Paris, dans le terme d'un mois, ou plutôt, si faire se peut.

Fait à Paris, le 25 Avril 1818.

(L.S.) CHARLES STUART.
(L.S.) RICHELIEU.

be delivered on the sole authority of the Commissioners of His Britannic Majesty.

VII. The present Convention shall be ratified, and the Ratifications shall be exchanged within the term of 1 month, or sooner if it can be done.

Done at Paris, the 25th day of April 1818.

(L.S.) CHARLES STUART.
(L.S.) RICHELIEU.

ARTICLE SEPARÉ.

Il est bien entendu que la Convention de ce jour entre la Grande Bretagne et la France, ne déroge en rien aux Réclamations des Sujets de Sa Majesté Britannique, fondées sur l'Article Additionnel de la Convention du 20 Novembre, 1815, relativement aux marchandises Anglaises introduites à Bordeaux, lesquelles Réclamations seront définitivement réglées conformément à la teneur du susdit Article Additionnel.

Le présent Article aura la même force et valeur que s'il étoit inséré, mot-à-mot, dans la susdite Convention.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont opposé le Cachet de leurs Armes.

Fait à Paris, le 25 Avril, 1818.

(L.S.) CHARLES STUART.
(L.S.) RICHELIEU.

ARTICLES ADDITIONNELS.—*Signés à Paris, le 4 Juillet, 1818.*

Les Cours de la Grande Bretagne et de France étant conve-

SEPARATE ARTICLE.

It is provided that the Convention of this day, between Great Britain and France, shall in no way detract from the Claims of Subjects of His Britannic Majesty, founded upon the Additional Article of the Convention of the 20th day of November, 1815, respecting English Merchandise imported into Bourdeaux, which Claims shall be definitively settled conformably to the terms of the above-mentioned Additional Article.

The present Article shall have the same force and effect as if it were inserted, word for word, in the above-mentioned Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereunto the Seals of their Arms.

Done at Paris, the 25th day of April, 1818.

(L.S.) CHARLES STUART.
(L.S.) RICHELIEU.

ADDITIONAL ARTICLES.—*Signed at Paris, 4th July, 1818.*

The Courts of Great Britain and France having agreed to ter-

nées de terminer, par une transaction à l'amiable, les difficultés qui se sont opposées jusqu'à ce jour à la liquidation complète, et au paiement des créances des Sujets de Sa Majesté Britannique, dont les Réclamations étaient fondées sur l'Article Additionnel de la Convention du 20 Novembre, 1815, confirmé par l'Article Additionnel [Séparé] de la Convention du 26 Avril dernier,—les Soussignés, *Chevalier Charles Stuart, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique près la Cour de Sa Majesté Très Chrétienne, &c. &c. &c., et le Duc de Richelieu, Ministre et Secrétaire d'Etat au Département des Affaires Etrangères de Sa Majesté Très Chrétienne, et Président du Conseil de ses Ministres, &c. &c. &c. munis de l'autorisation de leurs Gouvernements respectifs, sont convenus de ce qui suit :*

ART. I. Le montant total des payemens à faire par la France pour l'acquittement et l'extinction totale des créances des Sujets de Sa Majesté Britannique, fondées sur la décision de Sa Majesté Très Chrétienne, relativement aux Marchandises Anglaises introduites à Bordeaux, par suite du Tarif des Douanes publié le 24 Mars, 1814, est fixé à la somme de 450,000 francs.

II. La dite somme de 450,000 francs sera versée entre les mains des Commissaires désignés à cet effet par Sa Majesté Britannique, par portions égales de 75,000 francs chacune, dont le paiement

minate, by an amicable compromise, the difficulties which have hitherto prevented the complete liquidation and payment of the Sums due to the Subjects of His Britannic Majesty, whose Claims were founded upon the Additional Article of the 20th November, 1815, confirmed by the Additional [Separate] Article of the 25th April last,—the Undersigned, *Sir Charles Stuart, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of His Most Christian Majesty, &c. &c. &c. and the Duke of Richelieu, His Most Christian Majesty's Minister and Secretary of State for Foreign Affairs, and President of the Council of His Ministers, &c. &c. &c., being furnished with the authority of their respective Governments, have agreed upon the following Articles.*

ART. I. The total amount of the payments to be made by France for the discharge and entire extinction of the sums due to the Subjects of His Britannic Majesty, resulting from the decision of His Most Christian Majesty, relative to the British Merchandize introduced into Bourdeaux, in consequence of the Tarif of Customs published the 24th March, 1814, is fixed at the sum of 450,000 francs.

II. The said sum of 450,000 francs shall be paid into the hands of the Commissioners appointed for the purpose by His Britannic Majesty, in equal portions of 75,000 francs each, the payment

aura lieu le premier de chaque mois, à dater du 1er Août prochain, de manière à ce que la somme totale soit acquittée au 1er Janvier, 1819.

III. Les présens Articles seront ratifiés et les Ratifications en seront échangées dans le terme d'un mois, ou plutôt si faire se peut.

En foi de quoi les Soussignés les ont signés, et y ont apposé le Cachet de leurs Armes.

Fait à Paris, le 4 Juillet, 1818.

(L. S.) CHARLES STUART.
(L. S.) RICHELIEU.

of which shall take place the 1st day of every month, reckoning from the 1st of August next, so that the whole sum shall be paid by the 1st of January, 1819.

III. The present Articles shall be ratified, and the Ratifications exchanged in the space of I month, or sooner, if possible.

In witness whereof, the Under-signed have signed the same, and have affixed thereunto the Seal of their Arms.

Done at Paris, the 4th of July, 1818.

(L. S.) CHARLES STUART.
(L. S.) RICHELIEU.

MESSAGE from the President of The United States to Congress, containing the Decision of the Boundary Commissioners, under the IVth Article of the Treaty of Ghent of 1814, with Great Britain,* relative to the Islands in the Bay of Fundy.—25th February, 1818.

THE Commissioners of the 2 Governments, under the IVth Article of the Treaty of Ghent, having come to a Decision upon the question submitted to them, I lay before Congress Copies of that Decision, together with Copies of the Declaration signed and reported by the Commissioners to this Government.

JAMES MONROE.

(1.)—***DECLARATION of the Commissioners under the IVth Article of the Treaty of Ghent.***

SIR,

New York, 24th November, 1817.

THE Undersigned Commissioners, appointed by virtue of the IVth Article of the Treaty of Ghent, have attended to the duties assigned them, and have decided that Moose Island, Rudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do each of them belong to The United States of America, and that all the other Islands in the Bay of Passamaquoddy, and the Island of Grand Menan in the Bay of Fundy, do each of them

* See Commercial Treaties, Vol. 2. Page 380.

belong to His Britannic Majesty, in conformity with the true intent of the IInd Article of the Treaty of Peace of 1783.

The Commissioners have the honor to enclose herewith their Decision.

In making this Decision, it became necessary that each of the Commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the navigable waters of the Bay of Passamaquoddy, which, by the Treaty of Ghent, is said to be part of the Bay of Fundy, are common to both Parties for the purpose of all lawful and direct communication with their own Territories and Foreign Ports.

The Undersigned have the honor to be, &c,

JOHN HOLMES.

The Hon. J. Q. Adams.

THOMAS BARCLAY.

(2.)—*DECISION of the Commissioners under the IVth Article of the Treaty of Ghent.—24th November, 1817.*

By Thomas Barclay and John Holmes, Esquires, Commissioners appointed by virtue of the IVth Article of the Treaty of Peace and Amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th day of December, 1814, to decide to which of the 2 Contracting Parties to the said Treaty, the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the IInd Article of the Treaty of Peace of 1783, between His said Britannic Majesty and the aforesaid United States of America: We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn, impartially to examine and decide upon the said Claims, according to such evidence as should be laid before us, on the part of His Britannic Majesty and The United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does belong, to the United States of America; and we have also decided, and do decide, that all the other Islands, and each and every of them in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, do belong to His said Britannic Majesty in conformity with the true intent of the said IInd Article of the said Treaty of 1783.

In faith and testimony whereof, we have set our hands and affixed our Seals, at the City of New York, in the State of New York, in the

United States of America, this 24th day of November, in the year of our Lord, 1817.

(I.S.)

THOMAS BARCLAY.

(L.S.)

JOHN HOLMES.

Witness, JAMES T. AUSTIN, (Agent of The United States.)

ANTHONY BARCLAY.

MESSAGE from the President of The United States to Congress, transmitting sundry Papers, in relation to the Claims of the Merchants of The United States, for their Property seized and confiscated, under the Authority of Murat, King of Naples.—28th February, 1818.

I LAY before the House, a Report from the Secretary of State, together with the Papers relating to Claims of Merchants of The United States upon the Government of Naples, in conformity with a Resolution of the House of the 30th of January last.

JAMES MONROE.

Department of State, Washington, 27th February, 1818.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives of the 30th of January last, requesting such information, possessed by the Executive, as may be communicated without injury to the public interest, relative to the Claims of Merchants of The United States for their property seized and confiscated under the authority of the King of Naples, has the honor of submitting to the President the Papers in the possession of this Department, concerning that subject.

JOHN QUINCY ADAMS.

(1.)—*Mr. Monroe, Secretary of State, to Mr. Pinkney, Special Minister to Naples.*

(Extracts.)

Department of State, 11th May, 1816.

BEING appointed by the President, with the advice and consent of the Senate, Envoy Extraordinary and Minister Plenipotentiary to the Emperor of Russia, and in a similar trust, to the King of Naples, the duties of the latter Mission which is special, will engage your attention in the first instance. The *Washington*, a Ship of the Line, is ordered into the Chesapeake, to receive on board, and to convey you and your family to Naples. You will be furnished with the usual Commission and Letter of Credence to the King.

A principal object of your Mission to Naples is, to obtain indemnity for the losses which our Citizens sustained by the illegal seizure and

confiscation of their property by the Neapolitan Government. You will be furnished with such evidence in support of the claim, as is in possession of this Department, and as notice has been given to the Collectors in the principal Cities, of your appointment and its object, that it may be communicated to the Parties interested, it is expected that you will receive much further light on the subject directly from them.

The President does not entertain a doubt of the right of The United States, to a full indemnity for these losses. They were inflicted by the then Government of the Country without the slightest cause. The commerce of The United States was invited into the Neapolitan Ports by special Decrees, with the promise of protection and encouragement, on the faith of which, many Ships having entered with valuable Cargoes, the whole amount was seized by the Government itself and converted to public use. For this very extraordinary and unlawful act, no plea has been urged that we have heard of, except that of necessity, which is no argument against indemnity. The injury being inflicted by a Government in full possession of the sovereignty of the Country, exercising all its powers, recognized by the Nation and by Foreign Powers, by Treaties and by other formal Acts of the highest authority, it is not perceived on what ground an indemnity can be refused. No principle is better established, than that the Nation is responsible for the acts of its Government, and that a change in the Authority does not affect the obligation. In the disordered state of that Country for several years past, it has been thought useless to press this claim, but now that affairs appear to be better settled, it would be improper longer to delay it. The President indulges a strong hope, that reparation will now be made. In the discharge of this trust, in the manner of the Negotiation, and in the provision for the debt, should such be made, you will manifest a spirit of conciliation towards the Government of Naples. Any reasonable accommodation, as to the time and the mode of payment which may be desired, will be cheerfully allowed.

As you will be well acquainted with the nature of these Claims, and the right of The United States to an indemnity; with the principles on which it is founded, and the arguments and facts which support it, it is unnecessary for me to enter further into the subject. The President has full confidence that nothing will be wanting on your part to secure success to the Mission. Satisfied that you will discharge its duties with equal ability and discretion, it is thought improper by too much precision to impose any restraint on your judgment, either as to the manner or the argument to be used in the Negotiation.

Your Mission to Naples being Special, its object limited, and being likewise anticipated by the Neapolitan Government, it is expected that it may be concluded in a few interviews. It is very

important that The United States should be represented at St. Petersburg, by a Minister of the highest grade employed by them, without any delay which can be avoided. The President desires, therefore, that you will use every effort in your power to terminate the business with Naples as soon as it may be possible, and that you will proceed thence, immediately afterwards, to St. Petersburg.

Mr. Pinkney.

JAMES MONROE.

(2.)—*Mr. Pinkney to Mr. Monroe.*

(Extracts.)

Naples, 29th August, 1816.

ON Saturday the 27th, I prepared an Official Note to the Marquis di Circello, announcing my quality of Envoy Extraordinary to the King.

His answer, (appointing Wednesday the 31st for our interview,) was sent immediately.

My reception on the 31st was extremely friendly, and in the highest degree respectful to the Government of The United States. The regular purpose of my visit was to show my Credentials, furnish a Copy, and arrange the customary audience. I did not therefore suppose that it presented a suitable opportunity for introducing a very detailed explanation of the objects of my Mission; but, in conformity with a desire expressed by the Marquis himself, I stated them to him as fully as was necessary to enable him to communicate them to the King.

Although the Marquis di Circello was, (as you know,) for several years the Minister of this Court in London, he does not speak a word of English, and does not understand it when it is spoken by others. Our conversation was, therefore, in French. Amidst a good deal of well managed discourse on his part, which rather related to me than to my Mission, he made several observations which had a bearing upon my principal errand. He spoke of the poverty of their Public Treasury in terms somewhat more strong than I was prepared to expect; of the unprincipled manner in which Monsieur Murat, (as he styled him,) appropriated to his own use whatever of value he could lay his hands upon, and in particular, the Vessels and Merchandize belonging to our Citizens; of the prodigality with which he dried up all the usual resources of the Country, and dissipated, moreover, all the means which rapacity afforded. He drew no very precise conclusion from those and similar remarks, although I took such notice of them as their tendency prescribed; but upon the whole it was evident, that the claim which I was charged to make in behalf of our merchants, was not likely to be very readily admitted, and that I should only waste my time by talking over its merits from day to day, with a Minister who could of himself decide nothing, and whose

Report of my Statements and arguments, to those who must make or greatly influence the final decision, would not be the most advantageous channel by which they might be communicated. In consequence, before the interview was closed, I determined to prefer the Claim as soon as possible in an Official Note, and in the mean time to forbear to urge it in conversation, with any other view than to obtain from the Marquis di Circello, such intimations as might be useful to me in the preparation of my Paper.

On Sunday the 11th, I had another interview with the Marquis di Circello, to which Mr. King accompanied me.

I then adverted to the *principal object of my Mission*, and intimated that I should very soon send him a Note upon it. To my surprise, he professed not to understand to what I alluded, as the *principal object of my Mission*; but, when I mentioned the spoliations by Murat, he seemed suddenly to remember that I had at least talked to him of them before, and immediately, without giving me time to proceed, remarked that he would relate to me frankly all that the present Government had been able to discover respecting them. He said that Murat's conduct in that affair appeared to be so bad that nothing could be worse, and that it amounted to a downright robbery; that it appeared that the proceeds of the sales had been ordered by Murat into the Public Treasury, but that a few months afterwards he took them out again, and they knew not what he had done with them. To all this I thought it sufficient to answer, that whatever might have become of these proceeds, I hoped the King would cause our Merchants to be indemnified for the loss of them; but that I had no desire at this interview to do more than inform the Marquis di Circello, that I believed it would be as well to present the whole of that subject to him without delay, in a Note, to which I flattered myself I should have such a Reply in writing as would be satisfactory to my Government. Without either admitting or denying the responsibility of his Government, he said that such a course would be acceptable to him, and proper in itself; and that his Answer should not be unnecessarily postponed. His manner, while this topic was under notice, was kind, and even good humoured; although he could not, perhaps did not, wish to disguise that it was by no means a pleasant one.

On the 28th instant, yesterday morning, I sent in my Note upon Murat's confiscations. The necessity of making some previous inquiries here, upon matters connected with them, had a little retarded the completion of the Note, and after it was ready, I concluded that I should lose nothing by withholding it for a few days, especially as the Marquis di Circello was incapable of attending to business, and had so informed me.

What will be the answer to the Note, it is impossible to conjecture with any thing like certainty. It may be such as to make it necessary

for me to reply to it; but the President may be assured that my further stay in Naples shall be as short as I can make it.

The Hon. James Monroe.

WILLIAM PINKNEY.

(Enclosure.)—Mr. Pinkney to the Marquis di Circello.

Naples, 24th August, 1816.

THE Undersigned, Envoy Extraordinary of the United States of America, has already had the honor to mention to his Excellency the Marquis di Circello, Secretary of State and Minister for Foreign Affairs of His Majesty the King of the 2 Sicilies, the principal objects of his Mission; and he now invites his Excellency's attention to a more detailed and formal exposition of one of those objects.

The Undersigned is sure that the appeal, which he is about to make to the well known justice of His Sicilian Majesty, in the name and by the orders of his Government, will receive a deliberate and candid consideration; and that, if it shall appear, as he trusts it will, to be recommended by those principles which it is the interest as well as the duty of all Governments to observe and maintain, the claim involved in it will be admitted, effectually and promptly.

The Undersigned did but obey the Instructions of the President of The United States, when he assured his Excellency the Marquis di Circello, at their first interview, that his Mission was suggested by such sentiments towards His Sicilian Majesty as could not fail to be approved by him. Those sentiments are apparent in the desire which the President has manifested, through the Undersigned, that the commercial relations between the Territories of His Majesty and those of The United States should be cherished by reciprocal arrangements, sought in the spirit of enlightened friendship, and with a sincere view to such equal advantages, as it is fit for Nations to derive from one another. The representations which the Undersigned is commanded to make upon the subject of the present Note, will be seen by His Majesty in the same light. They show the firm reliance of the President upon the disposition of the Court of Naples, impartially to discuss and ascertain, and faithfully to discharge, its obligations towards Foreign States and their Citizens: a reliance which the Undersigned partakes with this Government; and under the influence of which, he proceeds to state the nature and grounds of the reclamation in question.

It cannot but be known to His Excellency the Marquis di Circello, that, on the 1st of July, 1809, the Minister for Foreign Affairs of the then Government of Naples, addressed to Frederick Degan, Esq. then Consul of The United States, an Official Letter, containing an invitation to all American Vessels, having on board the usual Certificates of Origin and other regular Papers, to come direct to Naples with their Cargoes; and that the same Minister caused that invitation to be published in every possible mode, in order that it might come to the

knowledge of those whom it concerned. It will not be questioned that the promise of security necessarily implied in this measure had every title, in the actual circumstances of Europe, to the confidence of distant and peaceful merchants. The merchants of America, as was to have been expected *did* confide. Upon the credit and under the protection of that promise, they sent to Naples many valuable Vessels and Cargoes, navigated and documented with scrupulous regularity, and in no respect obnoxious to molestation; but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction, as Prize, or as otherwise forfeited to the Neapolitan Government, upon pretexts the most frivolous and idle. These arbitrary seizures, were followed, with a rapacious haste, by summary Decrees, confiscating in the name and for the use of the same Government, the whole of the property which had thus been brought within its grasp; and these Decrees, which wanted even the decent affectation of justice, were immediately carried into execution, against all the remonstrances of those whom they oppressed, to enrich the Treasury of the State.

The Undersigned, persuades himself, that it is not in a Note addressed to the Marquis di Circello, that it is necessary to enlarge upon the singularly atrocious character of this procedure, for which no apology can be devised, and for which none that is intelligible has hitherto been attempted. It was, indeed, an undisguised abuse of power, of which nothing could well enhance the deformity, but the studied deception that preceded and prepared it; a deception which, by a sort of treason against society, converted a proffer of hospitality into a snare, and that salutary confidence, without which, Nations and men must cease to have intercourse, into an engine of plunder.

The right of the innocent victims, of this unequalled act of fraud and rapine, to demand retribution, cannot be doubted. The only question is, from whom are they entitled to demand it? Those, who at that moment ruled in Naples, and were in fact and in the view of the world, the Government of Naples, have passed away before retribution could be obtained, although not before it was required; and, if the right to retribution regards only the persons of those Rulers as private and ordinary wrongdoers, the American merchant, whom they deluded and despoiled, in the garb and with the instruments and for the purposes of sovereignty, must despair for ever of redress.

The Undersigned presumes, that such is not the view which the present Government will feel itself justified in taking of this interesting subject; he trusts that it will, on the contrary, perceive that the claim, which the injured merchant was authorized to prefer against the Government of this Country before the recent change, and which, but for that change, must sooner or later have been successful, is now a valid claim against the Government of the same Country, notwith-

standing that change. At least, the Undersigned is not at present aware of any considerations which, applied to the facts that characterize this case, can lead to a different conclusion; and certainly it would be matter for sincere regret, that any considerations should be thought sufficient to make the return of His Sicilian Majesty's power fatal to the rights of friendly strangers, to whom no fault can be ascribed.

The general principle, that a civil society may contract obligations through its actual Government, whatever that may be, and that it is not absolved from them by reason simply of a change of Government or of Rulers, is universally received as incontrovertible. It is admitted, not merely by Writers on Public Law, as a speculative truth, but by States and Statesmen, as a practical rule; and, accordingly, history is full of examples to prove, that the undisturbed possessor of Sovereign Power in any society, whether a rightful possessor or not, with reference to other Claimants of that power, may not only be the lawful object of allegiance, but by many of his acts, in his quality of Sovereign, *de facto*, may bind the society, and those who come after him as Rulers, although their title be adverse to, or even better than his own. The Marquis di Circello does not need to be informed, that the earlier annals of England in particular, abound in Instructions upon this head.

With regard to just and beneficial contracts, entered into by such a Sovereign with the Merchants of Foreign Nations, or (which is the same thing,) with regard to the detention and confiscation of their property, for public uses, and by his authority, in direct violation of a pledge of safety, upon the faith of which that property arrived within the reach of confiscation, this continuing responsibility stands upon the plainest foundations of natural equity.

It will not be pretended, that a merchant is called upon to investigate, as he prosecutes his traffic, the title of every Sovereign, with whose Ports, and under the guarantee of whose plighted word, he trades. He is rarely competent. There are few in any station who are competent to an investigation so full of delicacy, so perplexed with facts and principles of a peculiar character, far removed from the common concerns of life. His predicament would be to the last degree calamitous, if in an honest search after commercial profit, he might not take Governments as he finds them, and consequently rely at all times upon the visible exclusive acknowledged possession of Supreme Authority. If he sees all the usual indications of established rule; all the distinguishing concomitants of real undisputed power; it cannot be that he is, at his peril, to discuss mysterious theories above his capacity or foreign to his pursuits, and moreover, to connect the results of those speculations with events of which his knowledge is either imperfect or erroneous. If he sees the obedience of the People, and the acquiescence of neighbouring Princes, it is impossible

that it can be his duty to examine, before he ships his merchandize, whether it be fit that these should acquiesce or those obey. If, in short, he finds nothing to interfere with or qualify the dominion which the head of the society exercises over it, and the domain which it occupies, it is the dictate of reason, sanctioned by all experience that he is bound to look no farther.

It can be of no importance to him that, notwithstanding all these appearances announcing lawful rule, the mere right to fill the Throne is claimed by, or even resides in, another than the actual occupant. The latent right (supposing it to exist) disjoined from and controverted by the fact, is to him nothing while it continues to be latent. It is only the Sovereign in possession that it is in his power to know. It is with him only that he can enter into engagements. It is through him only that he can deal with the society. And if it be true, that the Sovereign in possession is incapable, on account of a conflict of title between him and another, who barely claims, but makes no effort to assert his claim, of pledging the public faith of the society and of the Monarch to Foreign Traders, for commercial and other objects, we are driven to the monstrous conclusion, that the society is, in effect and indefinitely, cut off from all communication with the rest of the world. It has, and can have, no organ by which it can become accountable to, or make any contract with Foreigners, by which needful supplies may be invited into its harbours, by which famine may be averted, or redundant productions be made to find a market in the wants of strangers. It is, in a word, an outcast from the bosom of the great community of Nations, at the very moment too, when its existence, in the form which it has assumed, may every where be admitted. And, even if the dormant claim to the Throne should, at last, by a fortunate coincidence of circumstances, become triumphant and unite itself to the possession, this harsh and palsying theory has no assurance to give, either to the society or to those who may incline to deal with it, that its moral capacity is restored, that it is an outcast no longer, and that it may now, through the protecting will of its new Sovereign, do what it could not do before. It contains, of course, no adequate and certain provision against even the perpetuity of the dilemma which it creates. If, therefore, a civil society is not competent, by rules in entire possession of the Sovereignty, to enter into all such promises to the members of other societies as necessity or convenience may require, and to remain unanswerable for the breach of them, into whatsoever shape the society may ultimately be cast, or into whatsoever hands the Government may ultimately fall; if a Sovereign, entirely in possession, is not able, for that reason alone, to incur a just responsibility, in his political or corporate character, to the Citizens of other Countries, and to transmit that responsibility, even to those who succeed him by displacing him, it will be difficult

to show that the moral capacity of a civil society is any thing but a name, or the responsibility of Sovereigns any thing but a shadow. And here the Undersigned will take the liberty to suggest, that it is scarcely for the interest of Sovereigns to inculcate as a maxim, that their lost Dominions can only be recovered at the expense of the unoffending Citizens of States in amity, or, which is equivalent to it, to make that recovery the practical consummation of intermediate injustice, by utterly extinguishing the hope of indemnity and even the title to demand it. The Undersigned will now, for the sake of perspicuity and precision, recall to the recollection of his Excellency the Marquis di Circello, the situation of the Government of Murat at the epoch of the confiscations in question. Whatever might be the origin or foundation of that Government, it had for some time been *established*. It had obtained such obedience as in such times was customary, and had manifested itself, not only by active internal exertions of Legislative and Executive Powers, but by important external transactions with old and indisputably regular Governments. It had been (as long afterwards it continued to be) recognised by the greatest Potentates, as one of the European family of States, and had interchanged with them Ambassadors, and other Public Ministers and Consuls. And Great Britain, by an Order in Council of the 26th of April, 1809, which modified the system of constructive Blockade, promulgated by the Orders of November, 1807, had excepted the Neapolitan Territories, with other portions of Italy, from the operation of that system, that Neutrals might no longer be prevented from trading with them.

Such was the state of things when American Vessels were tempted into Naples, by a reliance upon the Passports of its Government, to which perfidy had lent more than ordinary solemnity, upon a declaration as explicit, as it was formal and notorious, that they might come without fear, and might depart in peace. It was under these circumstances, that, instead of being permitted to retire with their lawful gains, both they and their Cargoes were seized and appropriated in a manner already related. The Undersigned may consequently assume, that if ever there was a claim to compensation for broken faith, which survived the political power of those whose iniquity produced it, and devolved in full force upon their Successors, the present claim is of that description.

As to the demand itself, as it existed against the Government of Murat, the Marquis di Circello will undoubtedly be the first to concede, not only that it is above reproach, but that it rests upon grounds in which the civilized World has a deep and lasting interest. And with regard to the liability of the present Government, as standing in the place of the former, it may be taken as a corollary from that concession,—at least until it has been shown, that it is the natural fate of

obligations, so high and sacred, contracted by a Government in the full and tranquil enjoyment of power, to perish with the first revolution, either in form or rulers through which it may happen to pass;—or (to state the same proposition in different terms) that it is the natural operation of a political revolution in a State, to strip unfortunate Traders, who have been betrayed and plundered by the former Sovereign, of all that *his* rapacity could not reach—the right of reclamation.

The wrong which the Government of Murat inflicted upon American Citizens, wanted nothing that might give to it atrocity, or effect, as a robbery introduced by treachery; but, however pernicious or execrable, it was still reparable. It left in the Sufferers and their Nation a right, which was not likely to be forgotten or abandoned, of seeking and obtaining ample redress, not from *Murat* simply, (who individually was lost in the Sovereign,) but from the Government of the Country, whose power he abused. By what course of argument can it be proved, that this incontestable right, from which that Government could never have escaped, has been destroyed by the reaccession of His Sicilian Majesty, after a long interval, to the sovereignty of the same Territories?

That such a result cannot in any degree be inferred from the misconduct of the American Claimants, is certain; for no misconduct is imputable to them. They were warranted in every view of the Public Law of Europe, in holding commercial communication with Naples in the predicament in which they found it, and in trusting to the direct and authentic assurances, which the Government of the Place affected to throw over them as a shield against every danger. Their shipments were strictly within the terms of those assurances; and nothing was done, by the Shippers or their Agents, by which the benefit of them might be lost or impaired.

From what other source can such a result be drawn? Will it be said that the proceeds of these confiscations were not applied to public purposes during the sovereignty of Murat, or that they produced no public advantages, with reference to which the present Government ought to be liable? The answer to such a suggestion is, that let the fact be as it may, it can have no influence upon the subject. It is enough that the confiscations themselves, and the promise of safety which they violated, were acts of State, proceeding from him who was then, and for several successive years, the Sovereign. The derivative liability of the present Government reposes, not upon the good, either public or private, which may have been the fruit of such a revolting exhibition of power, emancipated from all the restraints of principle, but upon the general foundations, which the Undersigned has already had the honor to expose.

To follow the proceeds of these spoliation into the public Treasury [1817—18.]

sury, and thence to all the uses to which they were finally made subservient, can be no part of the duty of the American Claimant. It is a task which he has no means of performing, and which, if performed by others, could neither strengthen his case nor enfeeble it. And it may confidently be insisted, not only that he has no concern with the particular application of these proceeds, but that, even if he had, he would be authorized to rely upon the presumption, that they were applied as public money to public ends, or left in the public coffers. It must be remembered, moreover, that whatever may have been the destiny of these unballowed spoils, they cannot well have failed to be instrumental in meliorating the condition of the Country. They afforded extraordinary pecuniary means, which, as far as they extended, must have saved it from an augmentation of its burdens; or by relieving the ordinary revenue, made that revenue adequate to various improvements, either of use or beauty, which otherwise it could not have accomplished. The Territories, therefore, under the sway of Murat, must be supposed to have returned to His Sicilian Majesty less exhausted, more embellished, and more prosperous, than if the property of American Citizens had not in the mean time been sacrificed to cupidity and cunning. It must farther be remembered, that a part of that property was notoriously devoted to the public service. Some of the Vessels seized by the orders of Murat, were, on account of their excellent construction, converted into Vessels of War, and as such commissioned by the Government; and the Undersigned is informed that they are now in the possession of the Officers of His Sicilian Majesty, and used and claimed as belonging to him.

The Undersigned, having thus briefly explained to the Marquis di Circello the nature of the Claim, which the Government of The United States has commanded him to submit to the reflection of the Government of His Sicilian Majesty, forbears at present to multiply arguments in support of it. He feels assured that the equitable disposition of His Majesty renders superfluous the further illustration of which it is susceptible.

The Undersigned has the honor to renew, &c.

H. E. The Marquis di Circello.

WILLIAM PINKNEY.

(3.)—*Mr. Pinkney to Mr. Monroe.*

SIR,

Naples, 28th September, 1816.

My exertions have not yet been sufficient (although they have been unremitting) to obtain an Answer to my Note of the 24th of August; and the season is so far advanced, that I fear I have only another week for further exertions. If I do not set out for Russia without delay, I shall subject myself to the hazard of being confined to Italy by rains and bad roads during a great part of the winter. It is my determination, therefore, to press immediately and finally for a

categorical Reply to my Note, although I am persuaded that the Marquis is in no situation to give it. He must either reply at once, or show why he cannot.

It has been mentioned to me by those in whom I have confidence, that this Government has been extremely perplexed by the demand contained in my Note, and has had it under constant and anxious consideration; that, fearing after much consultation to take the ground (suggested for it, as I think, in America,) of irresponsibility for such acts of Murat's Government, as my Note set forth, it has been and still is searching for information as to *facts*; that diligent inquiry, for example, has been made, and is yet making, for the original Papers of the different Vessels and Cargoes, for which we require compensation, or for such evidence as might supply their place; and that it is probable that in the end an attempt will be made to encounter at least a part of our demand with proof (good or bad) that our case is not altogether such as we suppose it to be *in its circumstances*.

I am told their search after the Papers of the Vessels and Cargoes is not likely to be very successful: very few, perhaps none, remain; and it is not easy to conjecture what satisfactory or even plausible substitutes they can procure.

I wrote yesterday a private Letter to the Marquis di Circello, urging a prompt answer to my Note, and desiring that he would tell me, with a view to preparations for my departure, (which of course he knew I could not much longer postpone,) when I might count upon receiving it; but I now think it necessary to demand an interview, with the same object, to take place either to-day or to-morrow.

I have the honor to be, &c.

The Hon. James Monroe.

WILLIAM PINKNEY.

(4.)—*Mr. Pinkney to Mr. Monroe.*

(Extracts.)

Naples, 5th October, 1816.

ON Sunday the 29th of last month, I had an interview with the Marquis di Circello, in pursuance of the intention announced in my last. I pressed him for his promised Answer to my Note of the 24th of August, and insisted that if he could not reply to it immediately, he would name the time within which it was probable he could do so. He said that an immediate Answer was really impossible, and that he could not, without running the risk of misleading me, fix any precise time for the giving of such an Answer as should be categorical. I asked the reason of this. He observed that the Papers relative to the Vessels and Cargoes for which we now demanded an equivalent, had in Murat's time been scattered about in such a way, that with all the diligence they could use they had not yet been able to collect them, or such information as might stand in their place; that all proper steps

had been taken by the King's Government for obtaining these Papers, and whatever else was connected with, and material to our Claim, and that they hoped that they would soon be successful; that our Claim, apparently of large amount, was made upon those who confessedly had no participation in the transactions upon which it was founded; that it was therefore manifest, they had all their knowledge of those transactions to gain; that they were sincerely desirous of understanding them thoroughly; that without all the knowledge of the circumstances of the case which could at this time, and by due inquiry, be recovered, the King could not decide, whether he was, or was not answerable to us, as we alleged; that a decision would undoubtedly be hastened and made known to me as soon as possible, and as he believed, within a period of time not by any means distant; but that I must perceive it was not in his power, without practising disingenuousness, to assure me, that this could be done in a few weeks. After some further conversation on this point, I told him that I feared I should be obliged to leave Naples before his Answer was prepared; and, as he knew that my ulterior destination was St. Petersburg, I informed him finally, that I had determined to set out for Russia on Saturday the 5th instant, (this day) unless by waiting a week or 2 more, I could be sure of adjusting the business of my Mission. He replied with his characteristic good breeding, that they should be extremely sorry to lose me, and that they had hoped to have me with them for some time, but that, if my duty elsewhere called me away, he would undertake to send the Answer to my Note, the moment it could be given, wherever I would indicate; that there was no probability that, if I left Naples as soon as I spoke of, or even a week or 2 later, I should receive the Answer, here, but that if it could be given so promptly it should. I rejoined that I doubted if, without Instructions, it would be well for me to receive the Answer after I had left the King's Court and Territories; that I confidently trusted the Answer would admit our Claim, (though we had no desire to urge them inconveniently, as to the time, or mode of payment, or even to push our demand to its utmost extent) but that, however little such a result was to be expected, the Answer might contest our demand, or an important portion of it, in which case it was both my duty and inclination to reply to the Answer, and to maintain, as I did not fear to be able to do, the grounds of fact and Law upon which I had already relied; and that this could not be done with advantage, nor perhaps with propriety, unless with the approbation of my Government, after my departure for another Station.

The Marquis immediately expressed an opinion, that I might regularly receive the Answer after I had left the Neapolitan Dominions, and, in consequence of a question which I put to him in this stage of the conversation, (whether it might not be more in rule, to

offer to deliver the Answer to whom, and to where, the *Government of The United States* should think fit?) he said that he should have no objection to any course which I preferred, but that he thought it would be best, (*as being more respectful to me*) that he should undertake to send the Answer as I should prescribe, especially as this course essentially included the other. It would have been impossible for me to dispute an opinion referred to so civil a motive, even if the matter had been worth disputing.

I did not think, however, that it was worth more words than had been bestowed upon it, and I therefore left the Marquis to take his own way upon it, reserving to myself the power of taking mine in due season.

In the whole of this conversation, (of which I have very shortly stated the import,) not a word was dropped by the Marquis condemning our Claim, or intimating that it was likely to be rejected, although much of what I said was calculated to provoke him to do so. But again, he said nothing which amounted to an admission that the Claim would be acknowledged.

Before I went away, I requested, (and he promised) that he would write me a Note, expressing briefly what had passed between us; and in the Evening of the same day, I received from him a Paper, of which a Copy is among the Enclosures, written and sent in consequence of that request; but on examining that Paper, I found it referred to my unofficial Letter, mentioned in my last, and not to our interview, and moreover it was dated the 27th of September, (perhaps a mistake for the 29th, or possibly my mistake of his figures) which was antecedent to the interview. I took for granted, however, that the Marquis had understood me to wish that this mode should be adopted, and, as it was of no importance, I did not put him, as at first I thought of doing, to the trouble of changing it. I therefore founded upon it the 3 Notes, (bearing date, 2 of them the 30th of September, and the other the 1st of October) of which Copies are enclosed. On the 2d instant, I received the Marquis's Answer to my Note of the 30th of September, which desired an audience of the King; and I took leave accordingly on Friday the 4th instant, one of the days referred by the Marquis's Note to my choice, as you will perceive by the Copy of it herewith transmitted. The King was polite and kind, and conversed for some time with me on this occasion, but nothing was said by him which had any relation to the objects of my Mission.

Having received my Passports, my intention is to commence my journey for St. Petersburg, in a very few days. Mr. King left me for Russia, about a fortnight ago, as my Letter of the 18th September informed you he would, and the Gentlemen attached to my Legation have gone before me to Rome, where I hope to arrive on Thursday or Friday next.

I beg your attention now, to a few words, upon the course which I have pursued as Envoy Extraordinary to Naples, and upon the actual position and prospects of the Claim which produced it. My stay here has perhaps been a little longer than was anticipated when I sailed from America; but upon a careful examination of my Instructions it appeared to me, that I was directed by them to make the attempt to obtain an acknowledgment of our Claim upon this Government, as full and complete as possible, without sacrificing to it the interests of my Mission to Russia. I have done this. As the Claim was of great magnitude in a pecuniary sense, involved important principles, and turned upon facts into which those with whom I had to deal had a right to inquire, I could scarcely hope to bring it to an issue of any kind, within less than the 2 months which have elapsed since my first reception here. With regard to my Mission to Russia, I have yet made no sacrifice.

Independently of the explanations which I have had, from time to time, with the Count Moccenigo (the Russian Minister here) with regard to my own anxiety, in conformity with the order of my Government, to be in St. Petersburg without delay, those who have experience of the road, assure me, that if I had started sooner, I should have been obliged to wait upon the route for the setting in of the frost, and that I should therefore have gained nothing. On the other hand, certainly, I could have no apology for protracting my stay in Naples beyond the time to which I have limited it. My Instructions, which are precisely what they ought to be, would not justify it. By remaining here a few weeks more, I should postpone for several months, perhaps, my arrival in St. Petersburg, by losing the best season for quitting Italy.

Of the manner in which my Negotiation has been conducted, I have little to say. Avoiding extremes of every kind, I have sought to write and speak with politeness, but at the same time explicitly and firmly. My object has been to let the King and his Ministers understand, that the Claim *must* be settled, and to place it upon such ground as to convince them that we are in earnest, in considering them as our Debtors. Without being studiously conciliatory, I have forborne all menaces.

They have indeed treated me and my errand with so much respect, that it would have been difficult for me, even if it had been wise and honorable, to endeavor to force the Claim upon them, by arrogance and harshness.

I might indeed have contrived to display a more active and zealous importunity, than my Letters will be found to describe; but it could only have been that teasing importunity, which, wanting dignity, and unauthorized by usage, has nothing to recommend its introduction into transactions like this. No proper opportunity has, I think, been

missed, to urge this Government to a favorable decision. As to the footing upon which the Claim now stands, and the value of its future prospects, it is obvious, that much has been gained. It has been presented; (whether well or ill, I dare not judge)—it has been received in a becoming manner, and entertained for deliberation and inquiry. The way to adjustment has been prepared and smoothed. The great principle, on which the demand was rested by the Government of The United States, is impliedly conceded, and, at any rate, has been greatly strengthened by the forbearance of this Government, not only *in limine*, but even to the last moment of my Mission, to deny it, with opportunity and every inducement to do so, constantly presented to it. It was to have been expected, and *was* expected that the Court of Naples would resist, at the threshold, a demand which directly, as well as implicitly, asserted its responsibility for the violences and frauds of Murat. It was its true policy to repel such a demand at once, (without reference to details) if it meant to contest at all the responsibility, upon which the Claimants altogether depended, and which formed in truth the only dubious part of their case. It was prepared to take that course, (as I was well assured) upon my first arrival, yet it has not ventured to take it. On the contrary, it has avowedly busied itself, since the presentation of my Note of the 24th August, in efforts (which cannot be successful) to lay a foundation of *fact* for distinctions, that may give it a chance of escaping from our principle, which finally it declines to question.

The reasons suggested by this Government for a short postponement of its decision, are such, as I suppose, I could not have quarreled with, without putting myself in the wrong. They are respectful perfectly to The United States, and of real weight in themselves. Their effect is to leave Negotiation open, to give encouragement to resume it, and, at the same time that they impart new solidity to our Claims, to render an acquiescence on our part in a brief adjournment of it, not only consistent with our honor, but a duty. In the mean time, the 2 Governments are not brought to a disagreeable issue, as (if the Claim had been rejected without ceremony, or even with all the ostentation of civility,) they might have been.

In not consenting to receive the Answer of this Government, after my departure from Naples, I was a good deal influenced by the apprehension, that they might possibly give me such an Answer when absent, as they would not give me if present. I desired, moreover, to ensure to my Government a just control over the subject, and to the Claimants a clear stage for their own private exertions. I thought that a more convenient resting point could scarcely be had, and that it would be better, that I should afford time to advise upon the case, to those who had more right than I had to dispose of it in future, than that, adhering to my Mission after I had separated myself from those

to whom I was accredited, I should risk the loss of every thing by the exercise of a very doubtful authority, under all sorts of disadvantages.

The Hon. James Monroe.

WILLIAM PINKNEY.

(Enclosure 1.)—The Marquis di Circello to Mr. Pinkney.

(Translation.)

Naples, 27th September, 1816.

THE Marquis di Circello, in reply to the Private Letter of his Excellency Mr. Pinkney, in which he is pleased to remind him of his Official Note of the 24th of August last, has the honor to inform him, that, notwithstanding the great anxiety of him, (the Marquis di Circello,) to give the Reply which he owes to the said Note, he is not yet able to give it, since it must be the result of a reunion and accurate examination of all the information which the subject of that Note requires, and for obtaining which, orders, have been given. This may probably occupy several weeks more, and it is of course impossible for him yet to fix the epoch at which the said Reply may be given, as Mr. Pinkney desires. The Writer, however, assures his Excellency, that in case his situation should not permit him to wait for the said Reply, he will make it his duty to forward it wheresoever he may indicate.

In the mean time he profits of this occasion, &c.

Mr. Pinkney.

IL MARCHESE DI CIRCELLO.

(Enclosure 2.)—Mr. Pinkney to the Marquis di Circello.

Naples, 30th September, 1816.

THE Undersigned, Envoy Extraordinary of the United States of America, had the honor to receive last night, the Note of his Excellency the Marquis di Circello, bearing date the 27th instant, upon the subject of the Note of the Undersigned of the 24th of August.

The Undersigned certainly regrets that the Government of His Sicilian Majesty has not been able already to honor him with a precise Reply to that Note; and he regrets still more, that on account of the difficulty of collecting the information supposed to be necessary to a correct decision upon the Claim which it preferred, he cannot hope to have such a Reply during the time to which he is obliged to limit his present stay in Naples.

He is perfectly sure, however, that the epoch is at hand, when His Majesty's Government will be possessed of this information, and when the justice of the Claim of the Government of The United States, in behalf of its injured Citizens, will be fully perceived and distinctly acknowledged.

The Undersigned, in answer to that part of the Note of the Marquis di Circello which proposes to send a Reply to the Note of the Undersigned of the 24th of August, wheresoever the Undersigned

may indicate, has the honor to state to the Marquis di Circello that, upon this point as well as upon all such ulterior steps as his Mission and the subject of it may be calculated to produce, the Undersigned will think it his duty to refer himself to his Government, which, at the same time that it will give their due weight to the reasons which are now assigned for a short postponement of the Claim in question, will take such measures as it shall think the case requires with regard to the future.

The Undersigned takes this occasion, &c.

H. E. The Marquis di Circello.

WM. PINKNEY.

(Enclosure 3.)—Mr. Pinkney to the Marquis di Circello.

Naples, 30th September, 1816.

THE Undersigned, Envoy Extraordinary of the United States of America, being about to leave the Court of His Majesty the King of the 2 Sicilies, upon the business of his Government, has the honor to request, that his Excellency the Marquis di Circello will have the goodness to inform him, at what time His Majesty will honor him with an audience.

The Undersigned avails himself, &c.

H. E. The Marquis di Circello.

WM. PINKNEY.

(Enclosure 4.)—Mr. Pinkney to the Marquis di Circello.

Naples, 1st October, 1816.

THE Undersigned, Envoy Extraordinary of the United States of America, has the honor to request of his Excellency the Marquis di Circello, the usual Passports for himself, his family and suite, and their baggage, &c.

It is his present intention to go to St. Petersburg by the way of Vienna; but it is possible that he may abandon that route in favor of the road through Berlin. He wishes to set out at the end of this week.

He begs his Excellency the Marquis di Circello to accept, &c.

H. E. The Marquis di Circello.

WM. PINKNEY.

(Enclosure 5.)—The Marquis di Circello to Mr. Pinkney.

(Translation.)

Naples, 2nd October, 1816.

THE Undersigned, Secretary of State, and Minister for Foreign Affairs, in reply to the Official Note of the 30th of last month, in which his Excellency Mr. Pinkney, Envoy Extraordinary of the United States of America, has requested an audience of His Majesty, the King of the 2 Sicilies, hastens to inform him that His Majesty will with pleasure receive him at the Royal Palace in Naples, either to-

morrow or next day, (as may be most convenient to his Excellency,) at half past 11 o'clock in the forenoon.

The Undersigned renews to his Excellency, &c.

Mr. Pinkney.

IL MARCHESE DI CIRCELLO.

(5.)—*Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of The United States at St. Petersburg, to Mr. Adams, Secretary of State.*

SIR,

St. Petersburg, 27th February, 1817.

NOTWITHSTANDING the explicitness of my Answer of the 30th of September of the last year, to the Proposal contained in the Note of the Marquis di Circello of the 27th of the same month, I had scarcely quitted Naples when he sent after me his Rely to my Note of the 24th of August. The obstacles which, while I was present, threatened to retard that Reply for many a week, and even for months, disappeared with a marvellous rapidity after I had departed; for the Reply passed me on the road to St. Petersburg, and arrived there long before me.

The Neapolitan Minister at this Court, (to whom it was forwarded by the Marquis di Circello for the purpose of being delivered to me) manifested immediately upon my arrival here, a very anxious desire that I should receive it. He even *entreated* me to do so with such earnestness as it was not easy to resist. I refused, however, to have any thing to do with his Packet, and assigned as my reasons, that I had ceased to have any right to meddle with the subjects of my late Mission to his Government; that the Marquis di Circello was distinctly told by me, when I found that I must leave Naples without an Answer to my Note, that I would not continue to correspond with him upon the Claim which it preferred, unless I should be instructed to do so by my Government, and that he could not but know, without the help of any body's information, that it was impossible that I should so soon be in possession of such Instructions, even if the President approved of that course (as it was probable he would not) for the conclusion of my Negotiation.

The Duke proposed finally, to write me a Letter, importing that he had the Reply to my Note, and that he wished me to take it. I assented to this, and the short Correspondence, of which a Copy is enclosed, was the consequence.

If I had been perfectly sure that the Reply was a favorable one, and required no *further discussion*, (which indeed I did not understand it to be the intention of the Sicilian Government to indulge me in) I would have received it. The celerity with which it had followed me, however, suggested the opposite presumption, and the Duke's desultory conversations with me, as often as I met him, (in which he talked as the Marquis di Circello was wont to do of the poverty of his Master, &c.) did not weaken that presumption. Certain Newspapers too,

professing to speak from authority, had affected to *quote* the Reply as a refusal, which had already been given to me. You will find a republication of one of those articles in the enclosed *Conservateur Impartial*, and will be satisfied that the Sicilian Government, or its Minister at Vienna, or St. Petersburg, has dictated the latter part of it.

Upon the whole, having lost my power to deal with the Reply as its contents might require, and fearing it was not what it ought to be, I thought it my duty to insist upon the impropriety of sending it at this moment to me, (an impropriety for which the Marquis di Circello could have no motive that I ought to sanction) and upon that ground to decline to take it. The Duke has shown uneasiness at this course, and I am not sorry for it. His Government is a good deal disturbed by our Claim, and we hazard nothing (and may gain) by practising upon its anxiety, within certain bounds, or even to any extent we think fit.

I have the honor to be, &c.

The Hon. J. Q. Adams.

WILLIAM PINKNEY.

(Enclosure 1.)—*The Duke of Serra Capriola to Mr. Pinkney.*

(Translation.)

SIR,

St. Petersburg, 7th—19th February, 1817

I HAVE received from my Court a Note, in answer to that addressed by your Excellency to the Marquis di Circello, on the 24th of August last, and which it was not possible to deliver to you before your departure, on account of the information necessary to be taken, relative to the business with which you were charged by your Government.

I have the honor to give you this information, for the purpose of knowing if you are willing to receive it, and make your arrangements for that purpose.

In the meanwhile, be pleased to receive, &c.

Mr. Pinkney.

THE DUKE OF SERRA CAPRIOLA.

(Enclosure 2.)—*Mr. Pinkney to The Duke of Serra Capriola.*

SIR,

St. Petersburg, 20th February, 1817, N.S.

IT would have been particularly agreeable to me to obtain, during the continuance of my functions as the Envoy Extraordinary of The United States, at Naples, while I might regularly have taken and acted upon it, an Answer to the Note, which in that character I addressed to the Marquis di Circello, on the 24th of August, of the last year, and I certainly spared no efforts for that purpose.

I found it impracticable, however, after the importunity of many weeks, to obtain either an Answer or the designation of any precise time within which I might be authorized to expect one; and, as my ulterior duties here would not suffer me to wait at Naples for the issue of inquiries and deliberations, of which avowedly the term could not be foreseen, even by those who were engaged in them, I was compelled

to leave unsettled the subject of my Note, and to put an end to my Mission.

My power to correspond with the Government of the King of the 2 Sicilies upon that subject, or otherwise to assume an agency in it, has consequently ceased, and can only be revived by the President of The United States, from whom I derived it originally, and to whom I have rendered an account of the use which I was able to make of it. Whether it will be his pleasure to renew it in any degree, or in what other way he will think it proper to deal with the subject, I have no means of knowing. I know only that he has as yet given me no orders upon it, and that there has not been time for such orders.

The Marquis di Circello must be prepared for this Answer to your Excellency's Letter to me of the 19th instant, if he does me the honor to preserve any recollection of my Note to him of the 30th of September last, of which (as well as of his Note to me of the 27th of the same month) I shall be very willing to give you a Copy, if you desire it.

I have the honor to be, &c.

H. E. The Duke of Serra Capriola.

WILLIAM PINKNEY.

(Enclosure 3.)—The Duke of Serra Capriola to Mr. Pinkney.

(Translation.)

SIR,

St. Petersburg, 9th—21st February, 1817.

I RECEIVED yesterday the Letter by which your Excellency has been pleased to reply to that which I addressed to you on the 7—19th of this month, stating the reasons by which you consider yourself no longer authorized to receive the Note in answer to it, transmitted to me by the Minister of His Majesty the King, my Master.

Your Excellency will readily conceive how unpleasant and painful it must have been to the King, not to have been able to cause an Answer to be given to your Note of the 24th of August last, during your Mission at Naples; but you are aware, Sir, that that Answer must necessarily have been founded on Documents and proofs not easily procured, inasmuch as the transaction in discussion took place under a Government, Foreign to the existing one. If this delay was painful to the King and to his Ministry, how much more will it not be, on seeing the Answer again impeded? I consider it therefore my duty, Sir, to engage you to receive the Packet I am charged with, at least for the purpose of transmitting it to your Government. By this means you will satisfy the wishes of my Government, and make the President of The United States acquainted with the well founded arguments which might accelerate the termination of this affair.

Availing myself of the offer you have made me, Sir, I have to request you would be pleased to favor me with a Copy of the Marquis di Circello's Letter, and of your Answer of the 30th September. You will thereby greatly oblige me, Sir, and in thus

tendering you my acknowledgments for it, I seize the present occasion of renewing to you the assurances, &c.

Mr. Pinkney.

THE DUKE OF SERRA CAPRIOLA.

(Enclosure 4.)—*Mr. Pinkney to the Duke of Serra Capriola.*

SIR,

St. Petersburg, 21st February, 1817. N. S.

It would really give me sincere pleasure to be able to conform to the wish, which your Excellency presses upon me with so much earnestness; but I feel insurmountable repugnance, arising out of what I believe to be a correct sense of my duty, to giving any sanction to the making of a Communication to me, as if I were still the accredited Envoy of The United States at Naples. I can have no difficulty, however, in consenting to forward to the Secretary of State of The United States, any thing which by order of your Court, you may think fit to address to him.

What may be the nature of the Packet which has followed me from Naples, I do not know, and do not desire to know, farther than that it is in Answer to a Note written by me in an Official Character, which I no longer possess. I have the utmost confidence, indeed, that it proposes a fair indemnity to our plundered merchants, not only with reference to that part of the spoil, which (not having been sold by Murat) has passed into the hands of His Majesty the King of the 2 Sicilies, and is now in his possession, but with reference also to that larger portion of it, which was converted into money. But let it propose what it may, it is not to me that it should address itself, at least until my Government is known to have given me such Instructions, (which it has not yet had time to give, even if it be disposed to adopt that course,) as may justify me in receiving it, and in acting upon it, as its contents may require.

The Copies which you desire are herewith enclosed. They will satisfy you that the Marquis di Circello ought to anticipate the Answer, which I now repeat to your application.

I have the honor to be, &c.

The Duke of Serra Capriola.

WILLIAM PINKNEY.

(6.)—*Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of The United States, to Mr. Monroe, Secretary of State.*

(Extract.)

Paris, 19th November, 1816.

I RECEIVED on the 16th instant, a Note from the Neapolitan Ambassador, enclosing, by order of his Court, the Copy of an Official Note, dated 15th October last, and addressed by the Marquis di Circello, to Mr. Pinkney, after his departure from Naples. In answer to a verbal inquiry, the Ambassador told me, that he did not know whether that Note had been directed to Mr. Pinkney, at St. Petersburg, or at any other place on the road. He also said that his Government

had authorized him to add to that Communication to me, any farther observations which he might deem proper, but that he had abstained from it, knowing that neither he nor myself had any powers on that subject, and wishing therefore to avoid an unprofitable discussion.

It may be presumed, that the Neapolitan Government delayed that Note in order to prevent the possibility of a reply; and that their intention in communicating it to me was to hasten its transmission to you. Copies of the Official Note itself, and of that of the Ambassador to me, are enclosed.

The Hon. James Monroe.

ALBERT GALLATIN.

(*Enclosure.*)—*Prince Castelfidardo to Mr. Gallatin.* (Translation.)
(Extract.) *Paris, 15th November, 1816.*

THE Undersigned, Ambassador Extraordinary of His Majesty the King of the 2 Sicilies, has the honor to transmit by order of his Court, to Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Copy of an Official Note, addressed by the Marquis di Circello, Minister and Secretary of State of His said Majesty, to Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of The United States, in answer to his Note of the 24th of August last, on the subject of certain American Vessels confiscated in 1809, by Murat.

The Undersigned avails himself, &c.

Mr. Gallatin.

CASTELFIDARDO.

(*Sub-Enclosure.*)—*The Marquis di Circello to Mr. Pinkney.*
(Translation.) *Naples, 15th October, 1816.*

ALTHOUGH the Government of His Majesty, the King of the 2 Sicilies, was, from the first moment, in a situation to judge of the validity of the remonstrance and demands made by his Excellency Mr. Pinkney, Envoy Extraordinary of the United States of America, in his Note of the 24th August last, nevertheless, wishing to examine and discuss them under all their aspects of right and of fact, it has waited accordingly, until all the materials and lights were collected proper to this end.

The many difficulties attending the search after those materials, owing to the change in the order of things, during which the facts occurred that have given rise to the demands of Mr. Pinkney, rendered it impossible for the Royal Government to reply to the Note of his Excellency before his departure from Naples.

Now that the Papers and appropriate inquiries have shed the strongest light upon the affair in question, the Undersigned, Councilor and Secretary of State, Minister of Foreign Affairs of His Majesty the King of the 2 Sicilies, hastens to give, by order of his Sovereign,

the following Reply to Mr. Pinkney, requesting his Excellency to be pleased to communicate it to his Government.

All the arguments contained in the Note of the 24th August, look to the end of making His Majesty's Government responsible for the consequences of the confiscation and sale, whether just or unjust, of several American Vessels and Cargoes, which took place in Naples, while the Kingdom was held by Murat.

In support of this pretension, it is assumed, that the abuse of power and violation of good faith, by which these arbitrary acts were committed, are of such a nature as to survive the political authority of the Author of them, and that of course, as there accrued a right of reclamation against the Government of Murat, there exists one also against the present Government of the 2 Sicilies.

His Excellency adds, that, although the American Claimants have not the means of ascertaining to what uses the produce of the above mentioned sales was applied, yet, they may presume, that it was expended in works and objects of public utility, or left in the public coffers, and therefore affirms, that under this point of view, likewise, His Majesty's Government is bound to indemnify the victims of the spoliations committed during the ascendancy of Murat.

Without undertaking to inquire, whether a sort of succession or inheritance, in legitimate and illegitimate Governments, can be maintained upon good grounds, the Undersigned will be content to remark, that, whatever may be the opinions of Publicists as to this point, no one has ever pretended to visit the injustice of the contracts or deeds of the Usurpers, upon the People subjected to their yoke, or upon the legitimate Sovereigns.

The theory would indeed, be a disconsolate one, which should extend the power of an Enemy, not only to the consequences of fact, but even to those of right. The victory which restored the legitimate Prince, would be fatal to both, if it must have the effect of making him responsible for the acts of injustice and violence which the Usurper might have perpetrated against Foreign Nations.

It avails not to say, that these are of the description of obligations and engagements which survive the overthrow of the usurped Dominion, as common to the Nation over which that dominion was exercised. This would be the place to determine, whether we could reasonably qualify, as an observation, an engagement from Government to Government, or Nation to Nation, a mere right of reclamation, which, according to the observation of Mr. Pinkney himself, The United States kept in reserve, to be exercised with Murat, had not his power been subverted.

But the Undersigned will simply ask his Excellency, if that very right is not to be regarded as null, seeing that the continual, strong, vehement demands, officially made by the Consul-General of The

United States, at Naples, upon the Minister of Murat, for the restitution of the confiscated Vessels and Cargoes, or compensation to the American Owners, were rejected, or remained without a Reply? However this may be, it is always incontestable, that it is not against the actual Government of His Majesty, that a right to which he, who created it, would not hearken, can be tried, as it were, in the nature of an appeal.

It is among the principles of reason and justice, that a Sovereign, who never ceased to be in a state of War with the Usurper of his Dominions, and who, very far from having afforded grounds for presuming that his rights were waved, as is asserted in the Note of the 24th August, carried into effect in concert with his Ally, England, a powerful Expedition in the Islands of Procida and Ischia, nearest to the Capital of his usurped Kingdom, in the year 1809, precisely that in which the confiscation of the American Ships at Naples took place. It is among the principles of reason and justice, that he should not be, on regaining his Dominions, in process of the War which had compelled him to absent himself from them, held responsible for the excesses of his Enemy.

Let then the relations of the Usurper, with the Powers friendly or allied to France, have been what they may, the inferences which the American Merchants may have drawn from them, in relation to the prosecution of their trade at Naples, should not be made to recoil upon the Treasury of a Sovereign, who, not only did not show any, the least acquiescence in the usurpation, but did all that was in his power, and all that circumstances would permit, to vindicate his abused rights. There is still less foundation for the arguments brought forward in the Note of the 24th August, to prove that the Neapolitan Nation was, in some sort, a party to the measures, by which the Americans suffered, and therefore liable, *in solidum*, for the consequences.

If the inhabitants of the Kingdom of Naples could only have signified their wishes, these would undoubtedly have been for the maintenance of relations of justice and friendship with the Americans, the only Nation, which, by means of its Neutrality, might provide a vent for the commodities accumulated through so many years in the Kingdom, under the operation of the noted Continental System of ruinous memory.

But everybody knows that the Neapolitan Nation, prostrated by a Foreign domination, was but the mournful spectator and first victim of the arbitrary acts which were daily committed: so far, then, from being able to indemnify others, it would be exceedingly fortunate if she could find the means of compensating herself for the losses and immense injuries which she sustained during the occupation of the Kingdom.

These considerations would be more than sufficient to prove, that the Claims of the American Merchants cannot reach either the actual Government of His Majesty or his People.

But to make the demonstration complete, and to exhibit the question under all its aspects, the Undersigned will admit, for a moment, the absurd hypothesis, that the present Government of Naples stands in the place of that of Murat, and has succeeded to all his obligations.

The demand of Mr. Pinkney would not be, on this account, the less unsustainable, since the confiscation and sale of the American Vessels and Cargoes, were acts which proceeded directly from the power and from the will of Bonaparte. There exists, in fact, in the Archives of the Treasury, a Report of the Minister, Agar, who presided over that Department in 1809, addressed to Murat, who was then at Paris.

The Minister relates in this Report, that 2 American Ships had arrived at Naples, one from Salem, the other, last from Algiers, laden with Colonial produce; and that the necessary orders had been given to put the same under sequestration, conformably to the directions antecedently issued from higher authority, with respect to the other Vessels arrived at Naples, before the departure of Murat for Paris.

He proceeds then to point out the great benefit which the Treasury would derive from opening the market to the Colonial produce, lying on board those Ships, or in the Custom-House of Naples, by the Duties which would be collected upon the sale of it, and upon the export of the Oils which the Americans would take as return Cargoes.

The Minister remarks, in fine, that the confiscation itself of the American Vessels and Cargoes was but an inconsiderable resource, compared with the very great advantage which would have resulted to the Treasury from an active American trade, could it have been tolerated in the Ports of the Kingdom.

Murat did not deem himself authorized to decide, in any way, and submitted the Report to his Brother-in-law, Napoleon; who decreed, in margin, that the Vessels and Cargoes in question should be confiscated, because the Embargo laid in the Ports of The United States, induced him to believe that the produce must be British property, and its introduction into the Continent a breach, therefore, of the 2 famous Berlin and Milan Decrees.

On the disclosure of this Decision of Bonaparte in Naples, it was ordered, also, that the proceeds of the sales should not be paid over to the Treasury of the State, but that a separate and special Account should be opened for them, which was done accordingly. In order to understand well this distinction, and to be able to draw from it the consequences applicable to the case, it is useful to note, that during the military occupation of the Kingdom, there existed a [1817—18.]

Treasury, so called, destined to receive the Public Revenues, and defray the Public Charges; and as among the latter, the support of the luxurious household of Murat was not the less onerous, accordingly, the sums allotted to this purpose, were paid into the hands of a particular Treasurer, who disposed of them as his Master directed.

Besides this particular Chest, into which, moreover, all the proceeds of the private domain were emptied, Murat established another by the name of Separate Account or Fund, (*conto a parte*,) as a receptacle for the sums arising from the sale of the Vessels and Cargoes confiscated in 1809 and 1812, and also for the profits of the Licences, which in imitation of England and France, he sold to the Vessels entering and leaving the Ports of the Kingdom. The new fund was always considered as appertaining to the extraordinary and private domain of Murat himself. An irrefragable proof of this may be offered. The 1st. Article of one of his Decrees of 25th April, 1812, is conceived in the following terms: "The Commission established by our Decree of November 30th, 1811, for the purpose of liquidating the accounts of our Royal Household, is, in addition, charged with examining the accounts of the Vessels sequestered in our Ports, regarded by us *as the property of our extraordinary and private Domain.*"

Besides, it is enough to read the account rendered, of the Cashier of the Separate Fund, to know that the sums paid into it, were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and in other licentious expences of Murat, and of his wife, especially during their visit at Paris. It appears, moreover, that Murat, having anticipated, on said fund, a sum of 200,000 livres on account of the Treasury, towards the cost of the Expedition, with which during several months he menaced Sicily with an invasion from Calabria, the Minister of the Finances lost no time in reimbursing the Fund with proceeds from the Public Taxes.

From the foregoing Statement, 2 important and obvious consequences are to be drawn. The first is, that Murat only lent his name in the confiscation of American Ships, as he did merely in all the other measures pursued in Naples, during the occupation of the Kingdom. This was no mystery, nor could Foreign Nations be ignorant of it. Still less could they be unacquainted with the extent of the power which Bonaparte usurped, in order to give all possible latitude of effect to his Decrees of Berlin and Milan, in the Countries over which he exerted his fatal influence.

Obstinate in his fantasies, absolute in his will, he studied only to enlarge the sphere of his favorite plan. A mere remonstrance on this head, if Murat had allowed himself to prefer one, would have cost the latter his Crown. Holland furnished an incontestable example of this truth.

Murat, then, let it be repeated, was but the passive instrument of the

will of Bonaparte, in the confiscation of the American Ships, and if this could give birth to responsibility, such responsibility should no longer be imputed to the Country over which he reigned, and still less to the Government which has there resumed its lawful authority.

The other and not less important consequence, is, that the Treasury, which was the Fund of the State, never enjoyed the proceeds of the confiscations, and that, instead of being employed to alleviate the burdens of the people, or applied to the improvement or embellishment of the Country, as is supposed in the Note of the 24th of August, those proceeds only served to feed the caprices, and the oriental pomp, of the family of Murat, and his adherents.

After this rapid and faithful exposition of facts, the Undersigned will not enter upon the inquiry, whether the American Merchants would have been entitled to call for indemnity, if the power, which commanded and executed the confiscation of their property had, unfortunately, continued to flourish.

He will go no further than to remark to Mr. Pinkney, that such a call could not affect the actual Government of His Majesty, nor his people; and his Excellency and his Government are too enlightened and too impartial not to be fully convinced of this, now that they can dwell upon circumstances, which perhaps were not previously within their knowledge.

The Undersigned renews, &c.

Mr. Pinkney.

IL MARCHESE DI CIRCELLO.

[See Convention of Claims between The United States and Sicily. Naples, 14th October, 1832. Vol. 1832, 1833. Page 277.]

BRITISH ORDER IN COUNCIL, *prohibiting the exportation of Gunpowder, Arms, Ammunition, &c. to Africa, to the West Indies, or to certain Parts of the Continent of America.*—13th May, 1819.

At the Court at Carlton-House, the 13th of May, 1819.

PRESENT,

HIS ROYAL HIGHNESS THE PRINCE REGENT IN COUNCIL.

WHEREAS the time limited by the Order of His Royal Highness the Prince Regent in Council of the 10th of October last, for prohibiting the exportation of gunpowder, arms, or ammunition, to the Places therein specified, will expire on the 30th day of this instant May; and whereas it is expedient, that the said prohibition should be continued for some time longer; His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, and by and

with the advice of His Majesty's Privy Council, doth, therefore, hereby order, require, prohibit, and command, that no Person or Persons whatsoever, (except the Master-General of the Ordnance for His Majesty's Service) do, at any time during the space of 6 months (to commence from the 30th of this instant May), presume to transport any gunpowder or salt-petre, or any sort of arms or ammunition, to any Port or Place on the Coast of Africa, or in the West Indies, or on any part of the Continent of America (except to a Port or Place, or Ports or Places in His Majesty's Territories or Possessions on the Continent of North America, or in the Territories of the United States of America,) or ship or lade any gunpowder or salt-petre, or any sort of arms or ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places on the Coast of Africa, or in the West Indies, or on the Continent of America (except as above excepted), without leave or permission in that behalf first obtained from His Majesty, or His Privy Council, upon pain of incurring and suffering the respective forfeitures and penalties inflicted by an Act, passed in the 29th year of His late Majesty's Reign, intituled "An Act to empower His Majesty to prohibit the exportation of salt-petre, and to enforce the Law for empowering His Majesty to prohibit the exportation of gunpowder, or any sort of arms or ammunition, and also to empower His Majesty to restrain the carrying coastwise of salt-petre, gunpowder, or any sort of arms or ammunition;" and also by an Act, passed in the 33rd year of His Majesty's Reign, Cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of naval stores, and more effectually to prevent the exportation of salt-petre, arms, and ammunition, when prohibited by Proclamation or Order in Council."

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

MESSAGE from the President of The United States to Congress, transmitting Correspondence, 1803—1818, relative to the Relations between The United States and Spain. —14th March, 1818.

Message of the President.

Washington, 14th March, 1818.

IN compliance with a Resolution of the Senate of the 16th of December, and of the House of Representatives of the 24th of February last, I lay before Congress a Report of the Secretary of State, and the

Papers referred to in it, respecting the Negotiation with the Government of Spain. To explain fully the nature of the differences between The United States and Spain, and the conduct of the parties, it has been found necessary to go back to an early epoch. The recent Correspondence, with the Documents accompanying it, will give a full view of the whole subject, and place the conduct of The United States, in every stage, and under every circumstance, for justice, moderation, and a firm adherence to their rights, on the high and honorable ground which it has invariably sustained.

The Speaker of the House of Representatives. JAMES MONROE.

The Secretary of State to the President.

Department of State, Washington, 14th March, 1818.

THE Secretary of State, to whom have been referred the Resolutions of the Senate of the 16th of December, and of the House of Representatives of 24th February last, has the honor of submitting to the President, the Correspondence between this Department and the Spanish Minister residing here, since he received the last Instructions of his Government to renew the Negotiation, which at the time of the last communication to Congress was suspended by the insufficiency of his powers: these Documents will show the present state of the Relations between the 2 Governments.

As in the remonstrance by Mr. de Onis, of the 6th of December, against the occupation by The United States of Amelia Island, he refers to a previous Communication from him denouncing the Expedition of Sir Gregor M'Gregor against that Place, his Note of 9th July, being the Paper thus referred to, is added to the Papers now transmitted. Its date, when compared with that of the occupation of Amelia by M'Gregor, will show that it was written 10 days after that event; and the contents of his Note of 6th December, will shew that measures had been taken by the competent Authorities of The United States to arrest M'Gregor, as soon as the unlawfulness of his proceedings within our jurisdiction had been made known to them by legal evidence, although he was beyond the reach of the process before it could be served upon his person. The tardiness of Mr. Onis's remonstrance is of itself a decisive vindication of the Magistrates of The United States against any imputation of neglect to enforce the Laws; for if the Spanish Minister himself had no evidence of the project of M'Gregor, sufficient to warrant him in addressing a Note upon the subject to this Department, until 10 days after it had been accomplished, it cannot be supposed that Officers whose authority to act, commenced only at the moment of the actual violation of the Laws, and who could be justified only by clear and explicit evidence of the facts, in proof of such violation, should have been apprized of the necessity of their interposition in time to make it effectual, before the Person accused had departed from this Country.

As in the recent discussions between Mr. Onis and this Department, there is frequent reference to those of the Negotiation at Aranjuez, in 1805; the Correspondence between the Extraordinary Mission of The United States at that period, and Don Pedro Cevallos, then the Minister of Foreign Affairs in Spain, will be also submitted as soon as may be, to be laid before Congress, together with the Correspondence between Don Francisco Pizarro and Mr. Erving, immediately preceding the transmission of new Instructions to Mr. Onis, and other Correspondence of Mr. Onis, with this Department, tending to complete the view of the Relations between the 2 Countries.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

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No. 1.—Messrs. Monroe and Livingston to M. Marbois.

SIR,

Paris,—May, 1803.

THE Undersigned, Ministers Plenipotentiary of the United States of America, deeming the interposition of the First Consul and his

friendly offices with Spain, important in the Negotiations which The United States propose to set on foot with His Catholic Majesty, for so much of his Territory as lay to the East of the ceded Territory, and border upon The United States; they have consented to the erasing the Article they had proposed to this effect in the Treaty, with some reluctance; but they trust that the First Consul, influenced by his friendship for The United States, will have no difficulty in assuring them of his aid, whenever such Negotiation shall be commenced. It would be highly satisfactory to the Undersigned to be enabled to transmit the same to their Government together with the Treaty.

The Undersigned, &c.

JAMES MONROE.

M. Marbois.

ROBERT LIVINGSTON.

Note.—The date omitted in the Copy transmitted by Messrs. Livingston and Monroe, but presumed to be immediately after that of the signature of the Treaty. (30th April, 1803.)

No. 2.—M. Marbois to Messrs. Livingston and Monroe.—(Translation.)
GENTLEMEN, 14th Floreal, year 11. (4th May, 1803.)

I HAVE received the Letter you did me the honor to write to me, to request that the First Consul would employ his good offices with His Catholic Majesty, to promote the success of the Negotiation which you propose to open at Madrid, concerning the Territory of the Spanish Dominion, to the eastward of that which has been ceded to The United States by the French Government.

I have transmitted your Letter to the Minister of Foreign Relations, and I have not failed to inform him, that the good offices which you solicit formed the substance of one of the Articles of the Project proposed by you, and which you had agreed to retrench with extreme reluctance. The Minister's Answer to me is, that The United States might promise themselves, from the friendship of the First Consul, his concurrence and support in every thing that would tend to strengthen the bonds of good understanding between 2 Nations in amity with the French Republic.

Messrs. Livingston and Monroe.

MARBOIS.

No 3.—Mr. Monroe to M. Talleyrand.

SIR,

Paris, 8th November, 1804.

BEFORE the conclusion of the late Treaty between The United States and France, your Excellency will recollect that it was an object of the President of The United States, to acquire of Spain, by amicable arrangement, Florida; it being that portion of her Territory which she held Eastward of the Mississippi. It was still his object after the conclusion of that Treaty; not that it was pressed by such imperious considerations as before, but that, as it would contribute to remove all cause of uneasiness and jealousy between the 2 Powers, they might adopt and harmonize in such a system of policy as might secure their

peace, and give additional protection to their respective Possessions in that quarter, especially to those of Spain. In the Conferences which produced the Treaty, the good offices of His Imperial Majesty were engaged to The United States, in any Negotiation which the President might commence with the Catholic King for the acquisition of Florida. The same assurance was renewed after the conclusion of the Treaty, though it was intimated that that was not a suitable time for the commencement of a Negotiation. It was on that intimation, as your Excellency will also recollect, at a moment when I was about to set out for Spain, in pursuit of the object, (the then recent orders of the President permitting it,) that I postponed my journey thither, and took a different position. The proposed Negotiation with Spain was in consequence, and has since remained, suspended, and it is in obedience to late Orders from my Government, that I am so far on my way to Madrid, on that subject, and that Mr. Livingston has requested the good offices of the Emperor in support of it. It is proper to remark, that since the epoch referred to, the Treaty then just concluded between The United States and France, has been carried into effect in its great points, with that scrupulous attention to good faith which does to both Parties the highest honor. Their conduct in that transaction gives to each a pledge for the integrity which is to prevail in their future intercourse. I may be permitted to add, that as I declined my visit to Spain at that epoch, the more readily to give an opportunity for the complete execution of that Treaty, so, now that it is carried into effect, I undertake it with the greater pleasure, since it confirms me in the confidence before entertained, of the support which would be given in it by His Imperial Majesty.

The President has been induced to adopt this measure at this time, by considerations the most urgent. As these are inseparably connected with the proposed Negotiation, indeed form in part the object of it, it is due to the friendship subsisting between our Governments, and to the candor which the President will never fail to observe in his transactions with the Emperor, to give you a distinct idea of them. They will, I doubt not, satisfy you that the President has heretofore shown a sincere desire to cultivate the friendship of the Catholic King, and that the attempt which he now makes to preserve that relation, is a new and signal proof of that disposition.

Since the Treaty between The United States and France, whereby Louisiana was ceded to the former, a question has arisen between those States and Spain, relative to the Boundaries of the ceded Territory. It is understood that the Government of Spain entertains an idea that that Cession comprizes only that portion of Louisiana which was ceded to it by France, in 1762; that it does not comprise that portion also, which was ceded by her at the same time to Great Britain, distinguished, while in her possession, by the name of West Flo-

rida. This pretension of the Court of Spain cannot, it is presumed, be supported by even the color of an argument. Had that been the intention of the Parties in the Treaty of St. Ildephonso, it would have been easy to have provided for it: the idea was a simple one, which a few plain words would have expressed: but the language of the Article referred to conveys a very different sentiment. We find in it nothing which countenances a presumption that the Emperor meant to retake from Spain only a portion of Louisiana, or to refer to it in a dismembered state. It was natural to suppose, in accepting a retrocession of that Province from a Power possessed of the whole, that he would take it entire, such as it was when France possessed it. Accordingly we find that the terms of the Article making the Cession are as full and explicit to that effect as it was possible to use. It is not stipulated that Spain should cede to France that portion of Louisiana only which she had received from France; or that West Florida should be exempted from the Cession. It is on the contrary, stipulated, that she shall cede it *such as it was when France possessed it*; that is, such as it was before it was dismembered by the Cession afterwards made to Spain and Great Britain; that she should cede it *with the same extent that it now has in the hands of Spain*; that is, entire, which it became by the Treaty of 1783, whereby West Florida was ceded by Great Britain to Spain; *such as it is according to subsequent Treaties between Spain and other Powers*; a stipulation which does honor to His Catholic Majesty: since it proves that in making the Cession to France, he intended to cede only what he had a right to cede; that he recollected the Treaty which he had concluded with The United States, in 1795; knew the extent of its obligations; and was resolved to execute them with good faith. Your Excellency will receive within, a Paper containing an examination of the Boundaries of Louisiana, which, it is presumed, proves incontestably the doctrine above advanced, as also, that the River Perdido is the ancient, and of course present, Boundary of that Province to the East, and the Rio Bravo, to the West.

The United States have other causes of complaint against Spain, of a serious import. In the course of the last War, many aggressions were committed under the authority of the Government of Spain; but, as it is presumed, without its sanction, on the commerce of The United States. Her Ships of War and Privateers took many of their Vessels in Europe and America, carried them into her Ports, detained and condemned them, under pretexts which cannot be justified. The injury sustained by this proceeding was great and extensive, for which it is the duty of the President to obtain for the sufferers an adequate reparation. A Convention was entered into at Madrid, about 2 years since, between the 2 Powers, which provided a partial remedy for these injuries. The great object, however, was left open for future

arrangement. It was owing to that consideration, and to a knowledge that the principal cause of variance was unprovided for, that the Negotiation was in truth unfinished, that neither Government took any interest in ratifying or executing that Convention. The whole subject therefore now lies open for discussion, and it is very much desired to conclude it on such fair principles, as may be satisfactory to His Catholic Majesty, while it enables the President to vindicate the character of his Administration, in obtaining for American Claimants, the justice to which they are entitled.

The occlusion of the River Mississippi, about 2 years past, contrary, not only to the spirit, but the express stipulation of the Treaty of 1795, between The United States and Spain, was an act which exposed to essential injury, the interests of the Western Inhabitants of those States, while it could not be considered otherwise than as an high indignity to their Government. His Catholic Majesty did not hesitate to disavow the act, when complained of by the American Minister at Madrid. This disavowal made some atonement to the violated honor of the Government, but no reparation for the injuries which had been sustained by Individuals. A reasonable, but adequate reparation is still due on that account, and it is expected, that His Catholic Majesty will see the justice and propriety of making it.

These circumstances have produced an interesting crisis in the political relation of The United States and Spain, which it is the sincere desire of the President to remove by fair and amicable arrangement. If the Negotiation which is about to be commenced by his order, does not terminate in that result, it will be owing altogether to the Government of Spain. The measure which is now adopted, the Negotiation which is invited, are convincing proofs of the sincerity and good faith with which the President seeks to preserve the relations of friendship between the 2 Powers. In the pursuit of this object, no unreasonable pretension is entertained, no unjust demand will be made. On the subject of Boundaries, although the Congress, on a thorough conviction of its rights, authorized the taking immediate possession of Louisiana, according to its antient limits, and of course to the River Perdido to the East; yet the President, from motives of respect to the Catholic King, postponed the execution of the measure, to give time for amicable explanations with his Government, in full confidence, that they will produce their desired effect. In respect to aggressions on our commerce, and other injuries, it cannot be doubted, that a suitable indemnity will be made for them. The Cession of Florida is a question which rests on different ground. The policy of that measure, and the conditions of it, in case the policy is admitted, are points to be decided by each Government, for itself, from a view of its interests and other circumstances. Should the Cession be made,

and the other points be adjusted, there is no reason why the peace and friendship of the 2 Nations should not be perpetual; there would remain no cause of jealousy between them; no points of collision. Possessed of ample Territory to satisfy their growing population for ages to come, The United States would be left at liberty to pursue their interior arrangements, without apprehending the interference, or having the disposition to interfere with their Neighbors. Such a system of policy on their part, would contribute in a very eminent degree, to the security of the vast Dominions of Spain to the South of us. To Spain, it is presumed, that the Territory is of but little importance; in itself, it is of none, as it is a barren tract. If she retains it, it must be as a post for Troops to be placed there, in opposition to us; a measure which tends to provoke hostility and lead to War. The Havana is a post which answers more effectually every object which she could contemplate from this, while it is free from all the objections that are applicable to the latter. Being an Island, it is less assailable by a Foreign Power; situated in the Gulf of Mexico, it furnishes the means of giving all the protection to her other possessions that she could desire; and by uniting her whole force at one point, increases her means of defence against attack, as of annoying her Enemies, in time of War. It is earnestly hoped, that the Catholic King will take a dispassionate view of those circumstances, and of the relative situation of the 2 Powers, and meet the President in a suitable provision for their future friendship. Should he, however, be disposed to pursue a different policy, on him will the responsibility rest for the consequences.

The relation which has subsisted invariably between France and The United States, has been of the most friendly character. It is on the knowledge of that fact, and the satisfactory evidence which it furnishes, that the Emperor takes an interest in the welfare of The United States, it is on the promise above adverted to, made on his part, to support, with his good offices, any Negotiation which the President might commence with the Court of Spain, for the acquisition of Florida; as also, on the firm belief, that the attainment of that object, with the amicable adjustment of all subsisting differences between The United States and Spain, must be advantageous to France, that his good offices have been and are now regulated in support of that Negotiation.

My Mission to Spain, being extraordinary, is also temporary. As soon as its objects are accomplished, it is my duty to return to London, which I shall do through this Metropolis, when I hope to have the honor and pleasure of being presented again to His Imperial Majesty, and of acknowledging, in person, his friendly aid to my Government and Country, in a transaction of high importance to its

interest, which the President has thought fit to commit in part to my Agency.

I beg your Excellency to accept, &c.

H. E. M. Talleyrand.

JAMES MONROE.

No. 4.—Mr. Livingston to M. Talleyrand.

SIR,

Paris, 12th November, 1804.

MR. MONROE, Minister Plenipotentiary from The United States to the Court of London, is now here, on his way to Spain, where he is specially charged, in conjunction with Mr. Pinckney, to negotiate for the purchase of Florida. He is desirous of carrying with him the good offices of His Imperial Majesty with the King of Spain for the accomplishment of the object, of which His Majesty assured him at the time of the conclusion of the late Treaty of Paris, and which your Excellency has, upon every occasion in which I have mentioned the subject, had the goodness to repeat to me. Mr. Monroe, wishing to bring this subject more fully before His Majesty, has requested me to transmit the enclosed Letter for him to your Excellency, together with the translation of a Memoir on the limits of Louisiana, which has been sent to Mr. Monroe and me by the Secretary of State. I flatter myself that this subject, which I have had the honor to bring before your Excellency on various occasions, will meet your attention, and that Mr. Monroe will be enabled, at an early day, to carry with him the assurances of His Imperial Majesty's friendly support in the Negotiation he is about to undertake in Spain.

I embrace this opportunity to renew, &c.

M. Talleyrand.

ROBERT LIVINGSTON.

No. 5.—M. Talleyrand to Mr. Livingston.—(Translation.)

SIR,

Paris, 26 Brumaire, 13th year. (17th November, 1804.)

WITH the Letter you did me the honor to address to me on the 12th of November, I received one from Mr. Monroe relative to the Mission with which he is charged at the Court of Madrid.

I shall hasten, Sir, to lay those Letters, and the Memoir which accompanied them, before His Imperial Majesty, and make it my duty to reply to the observations which you and Mr. Monroe have done me the honor to address to me, as soon as I am informed of His Imperial Majesty's intentions.

Be pleased, Sir, to accept, &c.

Mr. Livingston.

CH. MAU. TALLEYRAND.

No. 6.—M. Talleyrand to Mr. Monroe.—(Translation.)

SIR,

Paris, 21st December, 1804.

I HAD the honor, in Brumaire last, to inform Mr. Livingston, that I would submit to the inspection of His Imperial Majesty, the Letters

which he addressed to me, relative to the motives of Mr. Monroe's journey to Spain, and some discussions between the Court of Madrid and The United States.

Among the observations made on this subject by Messrs. Livingston and Monroe, His Imperial Majesty has been obliged to give particular attention to those bearing on the discussions, of which the object is peculiarly interesting to the French Government. He has perceived, that he could not be a stranger to the examination of these discussions, since they grow out of the Treaty by which France has ceded Louisiana to The United States, and His Majesty has thought that an explanation, made with that fidelity which characterizes him, on the Eastern Boundaries of the ceded Territory, would put an end to the differences to which the Cession has given rise.

France, in giving up Louisiana to The United States, transferred to them all the right over that Colony which she had acquired from Spain; she could not, nor did she wish to cede any other, and that no room might be left for doubt in this respect, she repeated, in her Treaty of 30th April, 1803, the literal expressions of the Treaty of St. Ildephonso, by which she had acquired that Colony 2 years before.

Now it was stipulated in her Treaty of the year 1801, that the acquisition of Louisiana by France, was a *retrocession*; that is to say, that Spain restored to France what she had received from her in 1762. At that period she had received the Territory bounded on the East by the Mississippi, the River Iberville, the Lakes Maurepas and Pontchartrain; the same day France ceded to England, by the Preliminaries of Peace, all the Territory to the Eastward. Of this, Spain had received no part, and could, therefore, give back none to France.

All the Territory lying to the Eastward of the Mississippi and the River Iberville, and South of the 32nd degree of North Latitude, bears the name of Florida. It has been constantly designated in that way, during the time that Spain held it; it bears the same name in the Treaty of Limits between Spain and The United States, and in different Notes of Mr. Livingston, of a later date than the Treaty of Retrocession, in which the name of Louisiana is given to the Territory on the West side of the Mississippi; of Florida, to that on the East side of it.

According to this designation, thus consecrated by time, and even prior to the period when Spain began to possess the whole Territory between the 31st degree, the Mississippi and the Sea, this Country ought, in good faith and justice, to be distinguished from Louisiana.

Your Excellency knows, that before the Preliminaries of 1762, confirmed by the Treaty of 1763, the French Possessions situated

near the Mississippi, extended as far from the East of this River, towards the Ohio and the Illinois, as in the Quarters of the Mobile; and you must think it as unnatural, after all the changes of Sovereignty which that part of America has undergone, to give the name of Louisiana to the District of Mobile, as to the Territory more to the North, on the same bank of the river, which formerly belonged to France.

These observations, Sir, will be sufficient to dispel every kind of doubt with regard to the extent of the Retrocession made by Spain to France, in the month of Vendemiaire, year 9. It was under this impression that the French and Spanish Plenipotentiaries negotiated, and it was under this impression, that I have since had occasion to give the necessary explanations when a project was formed to take possession of it. I have laid before His Imperial Majesty, the Negotiations of Madrid which preceded the Treaty of 1801, and His Majesty is convinced that during the whole course of these Negotiations, the Spanish Government has constantly refused to cede any part of the Floridas, even from the Mississippi to the Mobile.

His Imperial Majesty has, moreover, authorized me to declare to you, that at the beginning of the year 11, General Bournonville was charged to open a new Negotiation with Spain for the acquisition of the Floridas. This project, which has not been followed by any Treaty, is an evident proof that France had not acquired by the Treaty retroceding Louisiana, the Country East of the Mississippi.

The candor of these observations, proves to you, Sir, how much value His Majesty attaches to the maintenance of a good understanding between 2 Powers, to whom France is united by connexions so intimate and so numerous. His Majesty, called upon to give explanations on a question which interested France directly, persuades himself that they will leave no ground of misunderstanding between The United States and Spain; and that these 2 Powers, animated, as they ought to be, by the sentiments of friendship which their vicinity and their position render so necessary, will be able to agree with the same facility on the other subjects of their discussion.

This result His Imperial Majesty will learn with real interest. He saw with pain The United States commence their differences with Spain in an unusual manner, and conduct themselves towards the Floridas by acts of violence, which not being founded in right, could have no other effect but to injure its lawful Owners. Such an aggression gave the more surprize to His Majesty, because The United States seemed, in this measure, to avail themselves of their Treaty with France, as an authority for their proceeding, and because he could scarcely reconcile with the just opinion which he entertains of the wisdom and fidelity of the Federal Government,

a course of proceeding which nothing can authorize, towards a Power which has long occupied, and still occupies, one of the first ranks in Europe.

But the Federal Government having entered the path of Negotiation, and the question which divided the 2 Powers being cleared up, there is reason to hope that they will easily agree on the other points; and this, His Majesty, from the sincere interest which he feels for the equal prosperity of the 2 Nations, ardently desires.

Accept, Sir, the assurance, &c.

Mr. Monroe.

CH. MAU. TALLEYRAND.

No. 7. Messrs. Pinckney and Monroe to Don Pedro Cevallos.

Sir,

Aranjuez, 28th January, 1805.

It is the sincere desire of the President to establish the relations between The United States and Spain, on a footing of permanent friendship. As a signal proof of this disposition, he has instituted an extraordinary Mission to His Catholic Majesty, with full power, in conjunction with their Minister Plenipotentiary at Madrid, to enter into such arrangements, on just and equal principles, as may be best adapted to the object. The situation of the 2 Countries, at this time, required such an effort on his part, and it is our wish, as it is our duty, to do every thing in our power to carry it into effect.

It is proper to examine impartially the several points which are depending between our Governments. To make their friendship perpetual, every cause of complaint and inquietude should be brought into view, and amicably settled. For this purpose it is necessary to ascertain the respective rights in each case; since thereby an unerring rule will be established by which the adjustment may be made, and their future harmony secured. No just Government will ever demand any thing which will not bear the test of that rule; no just Government will ever refuse to discharge an obligation which it imposes. We will proceed in this inquiry, in full confidence that both our Governments are animated with the same zeal to do justice, with the same desire to cherish the friendly relations which have, heretofore, subsisted between them.

In the course of the last War many aggressions were committed on the peaceful, and, as it is presumed, lawful commerce, of The United States, to the great injury of their Citizens within the Territory and jurisdiction of Spain, for which they are entitled to compensation. It cannot be doubted that Spain is responsible for these injuries, in all cases where the condemnation was contrary to the Laws of Nations, the subsisting Treaty between the 2 Powers, and those principles of justice, which are recognized and respected by other Nations. It is to be regretted that a perfect accord has not yet taken place between our

Governments, on the mode of adjusting all the Claims proceeding from this cause. It is, however, matter of much satisfaction to observe, that they have gone so far in the establishment of just principles, and approached so near in sentiment, as to justify the expectation that all differences will now be removed.

The discussions which have already taken place, on the subject, have too fully illustrated its merits, to require anything to be added on that point at present. We observe, with pleasure, that the President reposes too much confidence in the high character of His Catholic Majesty, which is distinguished by a sacred regard to justice, to doubt his agreement to whatever it dictates. The Proposition, which we have the honor to make to your Excellency, rests on that basis, and will, therefore, we flatter ourselves, receive his sanction. Your Excellency will find, that, in the terms of payment of such sums as may be awarded, a new accommodation is proposed, which is an additional proof of the disposition of our Government to conciliate the views and interests of His Catholic Majesty, in this transaction.

The suppression of the right of Deposite, at New Orleans, by the Intendant of His Majesty, in the winter of 1802-3, contrary to the Treaty of 1795, to the great injury of the Citizens of The United States, who inhabit the Territory which is bounded by the Mississippi, and the waters emptying into it, is also an act for which they are entitled to reparation. By restoring the Deposite, on the complaint of the President, His Majesty gave a satisfactory proof of his strict regard to the obligation of Treaties, and the principles of justice; but by so doing the injuries which had been sustained by Individuals were not redressed, nor were the just views of His Majesty, in that respect, completely fulfilled. It is presumed that he will not hesitate to allow an adequate indemnity for the losses which were sustained by this act of the Intendant. It is one of the objects of the enclosed Project to provide for them.

The above are the injuries which have been received by Citizens of The United States, for which it is proposed to provide a suitable compensation. In seeking justice, however, it is equally the duty of their Government to render it. It is possible that His Majesty's Subjects may have received injuries, within the Territory or Jurisdiction of The United States, or by their Officers elsewhere, for which those States are also responsible. It has been the invariable effort of their Government to preserve the best understanding with His Catholic Majesty, by a faithful observance of every duty imposed by the Law of Nations, and the Treaty subsisting between them, in their political and commercial intercourse. If such injuries have been rendered, it is the earnest wish of the President, that a just reparation should be made for them.

For the fair and amicable adjustment of all such Claims, on both
[1817-18.]

R

sides, it is proposed to establish a Board of Commissioners, impartial and independent, which shall be vested with full power to hear and determine, and grant awards for all such as shall appear to be well founded. This mode has proved adequate in similar cases, between The United States and other Powers. It is not doubted that it would prove equally so between The United States and Spain.

There is another question which it is equally proper to adjust at this time. By the Cession of Louisiana, by His Majesty the Emperor of France, to The United States, it becomes necessary to settle its Boundary with the Territories of His Catholic Majesty in that Quarter. It is presumed, that this subject is capable of such clear and satisfactory illustration, as to leave no cause for any difference of opinion between the Parties. By the Treaty of April 30th, 1803, between The United States and France, the latter ceded to the former, the said Province in full Sovereignty, in the same extent, and with all the rights which belong to it, under the Treaty of October, 1800, by which she had acquired it of Spain. That the nature and extent of the acquisition might be precisely known, the Article of the Treaty of St. Ildefonso, making the Cession, is inserted in that of Paris. To a fair and just construction, therefore, of that Article, The United States are referred for the extent of their rights under the Treaty of 1803. There is nothing to oppugn its force, or detract from the import of its very clear and explicit terms. We have the honor to present to your Excellency a Paper on this subject, which, we presume, proves in the most satisfactory manner, that the Boundaries of that Province, as established by the Treaties referred to, are the River Perdido to the East, and the Rio Bravo to the West. The facts and principles which justify this conclusion are so satisfactory to our Government, as to convince it, that The United States have not a better right to the Island of New Orleans, under the Cession referred to, than they have to the whole District of Territory which is above described. Aware, however, that the question of Boundary was one, in which His Catholic Majesty was also interested, the President was not unmindful of what was due to that consideration. In pursuing and supporting the just rights of The United States, he is far from wishing to interfere with, or encroach on those of Spain. As Neighbors, he was also sensible of what was due to that interesting relation. And as a Power which claims respect in its intercourse with other Nations, he was resolved to give a distinguished proof of that of The United States, for His Catholic Majesty, in the present case. Thus no step has been taken since the Territory was surrendered to those States by France, otherwise than a strong expression by the Congress of its sense of their rights. No portion of it has been garrisoned, or even possessed by their troops, which could involve any question of the kind adverted to, or manifest a disposition incompatible with these first and friendly sentiments. His definitive

arrangements are yet to be taken. He seeks to adopt them in harmony with the sentiments and interests of His Catholic Majesty; a motive which induced the measure of an Extraordinary Mission, and inspires this Communication.

So far we have treated of the Boundary, which, of right, ought to be established between the 2 Nations. It is, however, proper to examine and treat the subject in another view. By the acquisition of Louisiana, The United States and Spain have assumed, in some respect, a new relation to each other. It is, in its nature, a very interesting one. It is practicable at this time, to place it on such a footing, by suitable arrangements, as to preserve their friendship for Ages. The importance of the subject, merits their very dispassionate consideration, since a failure to adopt such, may be productive of much harm. Happily, it is an unquestionable truth, that in consideration of the permanent and substantial interests of the 2 Powers, there does not exist, at present, a single point of collision, an opposing interest between them. There are some topics only of uneasiness and jealousy, easy to be removed; but which, if suffered to continue, may engender animosities, embitter their intercourse, and finally prove a cause of much trouble and even misfortune to both Nations. To remove them, requires no sacrifice; on the contrary, much will be gained, since by so doing, their harmony, and with it their permanent interests, will be secured.

What effect does the acquisition of Louisiana, by The United States, produce on the interests of 2 Powers in reference to each other? And what ought it to produce in their policy? These questions admit a ready answer. That Province is bounded by Florida to the East, and Mexico to the West; hence, Florida is surrounded on every side, that of the Ocean excepted, by the Territory of The United States. It is, of course, an object with those States to possess it. And as Louisiana extends Westward to Mexico, it is presumed to be an object with Spain, to retard the progress of their Settlements in that Quarter. Here then is the obvious ground of an accord between the 2 Nations, in an Arrangement which seems to be well adapted to accomplish an object which each deems of importance. The Project which we have the honor to present to your Excellency, is intended to conciliate and provide for those interests. It is believed, that its adoption will effectually do it. Your Excellency must be sensible, under existing circumstances, and especially since the acquisition of Louisiana, that that of Florida has become an object of much less importance to The United States. It is not from a want of Territory because it is known not to be fertile, and without it, they have enough to satisfy their growing population for Ages. It is, in truth, suggested more by a desire to remove all cause

of future variance between them and Spain, than the hope of any immediate advantage to be derived from it. While that Province remains to Spain, it must be, in some degree, a cause of jealousy to The United States. Situated in their Interior, and detached from the other Dominions of His Catholic Majesty, it is probable, to render it secure, that he would be compelled to put a strong Force there; hence, The United States would be compelled to do the same. Thus the attitude of hostility would be immediately taken, which a thousand causes would tend to promote. The jealousy of Governments so contiguous to each other, the rivalry of Governors and Generals, and the conflict of commercial Regulations, could not fail to produce that effect: in addition to which, it cannot be doubted, that other Powers would take a pleasure in seeing a rupture between The United States and Spain. It is presumed that they are interested in it. Remove, however, this obstacle, and establish, on just principles, their Western Boundary, and all cause of inquietude and misunderstanding will be at an end. Their Territories and Police will be distinct, and their military stations at some distance from each other. Each Power will regulate its own concerns as it thinks best: neither will be interested in disturbing those of the other. Their Governments, on the contrary, will find themselves bound by their interest, their faith, and their character, to keep their Citizens within their own limits, which it will take Ages to fill. Should Spain not place a strong Force in Florida, it will not escape your Excellency's attention, that it will be much exposed to the danger of being taken possession of by some other Power, who might hold it with very different views towards Spain, than those which animate the Government of The United States. Without a strong Force there, it might even become an asylum for Adventurers and Freebooters, to the great annoyance of both Nations. In this light, however, we forbear to press it.

It is proposed by the enclosed Project to establish a District of Neutral Territory, between the 2 Powers, on which neither Party shall encroach, and, with a view to accommodation, that it should be exclusively for a given term, within the supposed Limits of Louisiana. We are willing that this term should amount to 20 years, to give time for ulterior arrangements relative to that object, and the establishment of a permanent Boundary between them in that Quarter. If the Boundaries of Louisiana are, as our Government believes them to be, and, as we presume, is sufficiently proved by the enclosed Paper, this arrangement cannot fail to be viewed in the light it is intended. This proposition, however, is not offered as an equivalent for the Cession of Florida. It is proposed to make a pecuniary compensation for the Cession, to an amount which is deemed equal to the value. To fix that value, in case His Catholic Majesty is disposed to make the Cession, cannot be difficult, since, without regarding other considera-

tions, the sum given for the whole Province of Louisiana, furnishes a just and suitable standard. By comparing the extent of the Territory of Louisiana with that of Florida, and taking into consideration the immense advantages derived to The United States, from the entire command of the Mississippi, and all the waters emptying into it, which followed the Cession of Louisiana, we are promptly led to a fair result. On this point, we wish to confer in person, when it may suit your Excellency's convenience. The sum which may thus be agreed on, it is wished to appropriate in the manner mentioned in the proposed Convention.

In seeking to terminate amicably all subsisting differences between the 2 Powers, and to place their future relations on a basis of permanent friendship, it is thought that a formal Stipulation in behalf of each, not only to observe the limits which may be agreed on between them, but to cause them to be observed by their respective Citizens and Subjects, may have a very salutary effect. If such a Stipulation is regarded only as a proof of the spirit in which the Convention is formed, it will always have weight with both Governments to insure a compliance with it. But it merits to be viewed in a stronger light, since it makes it the duty of each Government to be attentive to, and to enjoin it on their Citizens and Subjects, respectively, strictly to observe the same.

As the Convention of the 11th August, 1802, has not been carried into effect, it is thought best to suffer it to fall and incorporate its contents into the present one. On that principle the Project is formed. There seems to be a propriety in accommodating all subsisting differences, and providing for the respective interests of the 2 Powers, to comprise the Stipulations which are necessary in the same Instrument. To this mode, however, we have no preference, and only submit the idea to your Excellency's consideration.

To facilitate the communication, and promote despatch, in an object of so much importance to our Government, we have the honor to annex a Translation into French, of this Note, and the Papers which accompany it, to your Excellency. It is as correct as it could be made, by those attached to the Legation, to whom alone could be confided their contents. We beg leave, however, to observe, that we consider ourselves responsible only for the Originals, which are in English.

We beg your Excellency to accept, &c.

CHARLES PINCKNEY.
JAMES MONROE.

H. E. Don Pedro Cevallos.

(Enclosure.)—American Project of a Convention between His Catholic Majesty and the United States of America.

ART. I. Spain acknowledging and confirming to The United States, the Cession of Louisiana in an extent eastwardly to the river Perdido, cedes to them for ever, all the Territory remaining to her between the Mississippi, the Atlantic, and the Gulf of Mexico, together with all the Islands thereunto annexed, either whilst the Floridas belonged to Great Britain, or after they became Provinces of Spain.

Possession of the said Territory shall be delivered to a Person authorized by The United States to receive the same, within days, or less, if practicable, after the exchange of the Ratifications of this Convention. With the said Territory shall be delivered all public property, except Ships and Military Stores, as also all public Archives belonging to the same.

Within days after the delivery of possession, or sooner if possible, the Spanish Troops shall evacuate the Territory hereby ceded; and if there should be any Spanish Troops remaining within any part of the Territory ceded by France to The United States, all such Troops shall, without delay, be withdrawn.

Spanish Subjects within the ceded Territory, who do not choose to become Citizens of The United States, shall be allowed 18 months to dispose of their real property, and to remove or dispose of their other property.

The Inhabitants of the ceded Territory shall be entitled to the same incorporation into The United States, and to the same protection in their religion, their liberties, and their property, as were stipulated to the Inhabitants of the Territory ceded to The United States by the Treaty of April 30th, 1803, between those States and France.

II. It is agreed that for the term of years, no Lands shall be granted, nor shall Persons who may have settled since the 1st of October, 1800, on Lands not granted prior thereto, be permitted to continue, within the space defined by the following Limits, to wit: by a Limit consisting of the River Colorado on the one side, from its mouth to its source, thence a straight line to the most south westwardly source of the Red River, with such deflections, however, as will head all the waters of that River. Thence along the ridge of the high lands, which divide the waters belonging to the Missouri and Mississippi, from those belonging to the Rio Bravo, to the latitude of the northernmost source of that River; thence by a meridian to the northern boundary of Louisiana, and by a limit, on the other side of the Rio Bravo, from its mouth to its source, and thence a meridian to the northern Boundary of Louisiana.

Such of the Settlements within the foregoing limits not prohibited by the preceding Clause, as were under the authority of the Govern-

ment of Louisiana, shall continue under the authority of Spain. Such as were under that authority, shall be under the authority of The United States. But the Parties agree that they will, respectively, offer reasonable inducements, without being obliged to use force, to all such Settlers to return from the space above limited, and establish themselves elsewhere.

The Indian Tribes within the said limits shall not be considered as subject to, or exclusively connected with, either Party. Citizens of The United States, and Spanish Subjects, shall be equally free to trade with them, and to sojourn among them, as far as may be necessary for that purpose; and each of the Parties agrees to restrain by all proper and requisite means, its respective Citizens and Subjects from exciting the Indians, whether within or without the said limits from committing hostilities or aggressions of any sort on the Subjects or Citizens of the other Party. The Parties agree, moreover, each of them, in all public transactions and communications with Indians, to promote in them a disposition to live in peace and friendship with the other Party.

It shall be free for Indians now within the Territories of either of the Parties, to remove to, and settle within the said limits, without restraint from the other Party. And either Party may promote such a change of settlement by Indians within its Territory; taking due care not to make it an occasion of War among the Indians, or of animosities in any of them against the other Party.

The United States may establish Garrisons sufficient as security against the Indians, and also trading houses at any places within the said limits where garrisons existed, at any time, under the Spanish Government of Louisiana. And Spain may continue garrisons for the like purpose, at any places where she now has them, and establish trading houses thereat. Either Party may also cause or permit any part of the Country within the said limits to be explored and surveyed with a view to commerce or science.

It shall be free for either of the Parties to march Troops within the said limits against Indians at War with them, and for the purpose of driving or keeping out invaders or intruders.

III. It is agreed that within — years previous to the expiration of the aforesaid term of — years, due provision shall be made for amicably adjusting and tracing the Boundary between the Territories of The United States, westward of the Mississippi, and the Territories of His Catholic Majesty, which Boundary shall then be established according to the true and just extent of Louisiana as ceded by Spain to France, and by France to The United States, uninfluenced in the smallest degree or in any manner whatever, by the delay, or by any arrangement or circumstance contained in or resulting from this Convention.

It is also expressly stipulated by the Parties, that they will cause the limits which are hereby defined, or may be hereafter defined between them, to be faithfully observed, by restraining their respective Citizens and Subjects, by suitable arrangements, from violating them in any manner whatever.

IV. His Majesty and The United States, wishing in the same spirit of conciliation, amicably to adjust the Claims which have arisen from the wrongs and excesses committed during the late War, by individuals of either Nation, or by others within the Territory or Jurisdiction of either, contrary to the Laws of Nations, the Treaty existing between the 2 Countries, or the principles of Justice, have determined that the same shall be adjusted in the following manner:

A Board of Commissioners shall be formed, consisting of 5 Commissioners, 2 of whom shall be appointed by His Catholic Majesty, 2 others by the President of The United States, with the advice and consent of the Senate, and the 5th by common consent of the 4 Commissioners, and in case they should not be able to agree on a Person for the 5th, the Commissioners of each Power shall name one, and leave the decision to lot, and hereafter in case of the death, sickness, or necessary absence of any of those already appointed, the remaining Commissioner or Commissioners of the Power whose Commissioner is dead or unable to attend, shall fill the vacancy.

When thus appointed, each one of them shall take an oath to examine, discuss and decide, impartially on the Claims which they are to judge, according to the Laws of Nations, the existing Treaty, and the principles of justice.

The Commissioners shall meet and hold their Session in Madrid, where, within the term of 18 months, to be reckoned from the day on which they assemble, they shall receive all claims, which, in consequence of this Convention may be made, as well by the Subjects of His Catholic Majesty, as the Citizens of the United States of America, who may have a right to demand compensation for the wrongs and excesses committed by Spanish Subjects or American Citizens, or others within the Territory or jurisdiction of either of the Contracting Parties. The Commissioners are authorized to hear and examine on oath, every question relative to the said demands, and receive as worthy of credit, all testimony and evidence, the authenticity of which cannot be doubted. The said Commissioners shall grant Awards for the sums which may be due to the several Claimants, with interest on the same at the rate of 6 per cent. per annum, to commence from such dates respectively, as to them shall appear to be just.

From the Decision of the Commissioners there shall be no appeal, and the agreement of 3 of them shall give full force and effect to those Decisions, as well with respect to the justice of the Claims, as the amount of the indemnifications which may be adjudged to the

Claimants; the said Contracting Parties obliging themselves to satisfy the said Awards in specie, in the manner stipulated by the VIth Article of this Convention.

V. The said Commissioners shall also take cognizance of, and estimate all damages which were sustained by the Citizens of The United States, by the suppression of the right of Deposit at New Orleans by the Intendant of His Catholic Majesty, in the years 1802-3, contrary to the Treaty of 1795, for which the said Commissioners shall grant a Certificate to the Government of The United States, the amount whereof shall be paid to it by the Government of Spain, in the same manner as is stipulated in favor of other Claims in the preceding Article. The Government of The United States, shall pay the sums thus received, to the Individuals who were injured by the suppression of the said Deposit.

VI. It is further agreed that the respective Governments will pay the sums awarded by the said Commissioners under this Convention, in the manner following :

The Government of The United States shall pay all such sums not exceeding dollars, which may be awarded as compensation to Citizens of The United States, from His Catholic Majesty, in 3 equal annual instalments, at the City of Washington ; the first instalment to be paid in 18 months, after the exchange of the Ratification hereof, or in case they shall not be so paid, they shall bear an interest of 6 per cent. per annum, from the time they become due until they are actually discharged ; and in case the aggregate of the said sums should not amount to the said sum of dollars, The United States will pay to His Catholic Majesty, within one year after the final liquidation of the Claims cognizable by the said Board, at the City of Washington, so much as the said aggregate may fall short of the sum abovementioned ; but on the other hand, if the whole amount of the sums awarded to Citizens of The United States should exceed the sum of dollars, His Catholic Majesty shall pay the surplus without deduction, to such Claimants, within one year after their Claims shall be, respectively, liquidated. The said Claims shall, nevertheless, bear an interest of 6 per cent. from the time of their liquidation until they are discharged.

The Government of The United States shall also pay without deduction, at the City of Washington, all such sums as may be awarded against them by the said Commissioners for compensation due to Spanish Subjects, within one year after their Claims shall be liquidated, and from the time of their liquidation, the said Claims shall bear an interest of 6 per cent. per annum until they are discharged.

VII. This Convention shall be ratified within
after the signing thereof, or sooner if possible, and the Ratifications

shall be exchanged within days after the Ratification by The United States, at the City of Washington.

No. 8.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.
(Translation.)

GENTLEMEN,

Aranjuez, 31st January, 1805.

THE King, my Master, having on all occasions given such repeated proofs of his friendship towards The United States, and of his sincere desire to live with them in peace and harmony, could not but hear with pleasure, what you have been pleased to manifest in your esteemed Note of the 28th instant, relative to the desire of the President of The United States, to fix the friendly relations of the 2 Countries, in a manner the most solid and permanent, and that for this purpose the American Government had named an Extraordinary Mission at this Court, to commence such Negotiations as might be best adapted to complete an object of so much importance, and founding them on just and impartial principles. His Catholic Majesty, on his part, desires nothing more ardently than that those equal and just principles, so conformable to the rectitude of his royal mind, may direct the discussions and negotiations depending between the 2 Governments. For this end, nothing appears better adapted than the mode proposed by your Excellencies, in the first part of your Note.

According to this principle, proposed by your Excellencies, and which, certainly, is highly worthy the good faith of both Governments, it appears the most proper, that, before we proceed to examine Projects of a Convention, which ought to result from discussions of all the different points in dispute, we should first examine each point separately, and in this form, determine the respective rights of each Country, and then proceed to such Negotiations as the interests of each Country may require. Under this idea, and following the tenor of your Note, it appears that the points depending may be reduced to the following :

1st. The damages occasioned during the late War, by the excesses committed by Individuals of both Countries, contrary to the Law of Nations, and the existing Treaty. This point is nearly decided by the Convention of 1802, which has been ratified by The American Government; and His Majesty, on his part, is disposed to ratify the same, after the obstacles which occasioned its postponement shall be removed. Thus there is but little to regulate on this point, considering how far it is already advanced, and that the sincere desire of both Governments is to proceed with candor and good faith.

The second point mentioned in your Excellencies' Note, relative to the indemnification of injuries supposed to have been received by

American Citizens, in consequence of the suppression of the right of Deposit at New Orleans, by order of the Intendant of that City, is a point of discussion which has not yet been commenced, and it is one on which the Spanish Government is convinced, that The United States have neither any motive nor right to found a Reclamation.

3rd. This point, which is relative to the Demarcation of the Limits of Louisiana, retroceded by Spain to France, and by her transferred to The United States, by its nature, subdivides itself into 2 others, to wit: the Demarcation of the Limits of Louisiana on the east, or side of the Floridas, and that on the side of the interior Provinces of New Spain. As a testimony of the desire with which His Majesty is actuated, that these Demarcations may be executed with the skill and justice requisite, and at the same time, with all possible despatch, I have to inform you, what is already known to your Government, that at the commencement of the last year, the King named for his Commissioner, for these Demarcations and Limits, Brigadier Marquis of Casa Calvo, who is now at New Orleans with the Engineer Don Josef Martinez.

Not having yet agreed upon others of the said points mentioned in your Excellencies' Note, and they being by their nature unconnected, it appears that it would only be confounding them, and multiplying their confusion, to treat upon the whole at once, and proceed immediately to form, for either Party Projects of a Convention, from the mass; analyse these incorporated points of discussion, and the discussion of them will become much more simple and plain, and with this new light, it will after be easy to embrace the whole at one view.

This method is clear and simple, and according to my idea, is what you indicate in the first part of your Note. This being the case, it appears to me, that we may occupy ourselves, in the first place, in determining the point relative to the Reclamation, for which purpose, we may take up the Convention of August, 1802, by reason of its almost finished state. Fix the Rights of each Country on each point, and the means will be plain and easy to negotiate them with that equal utility, which both Countries may find convenient. I have no doubt but you will find this method of proceeding conformable to reason; and waiting your Reply, I am, &c.,

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 9.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 5th February, 1805.

WE have received your Excellency's Letter of the 31st ult. in answer to that which we had the honor to write to you on the 28th, and beg you to be persuaded, that we are highly gratified with the assurance it contains, that His Catholic Majesty is disposed to meet

the President of The United States, in such arrangements, on just and equal principles, as may be necessary to accommodate subsisting differences, and place the relations of the 2 Countries on a basis of permanent friendship.¶ Since our Governments are animated with these honorable views, it cannot be doubted that their object will be accomplished.

Your Excellency observes, that it will be more proper to examine, previously and separately, each point depending between our Governments, to establish their respective rights, in each, and then proceed to the adoption of such a Project of a Convention as may provide for the whole. In this idea we perfectly agree. It was on that principle, as you justly observe, that our Note of the 28th was conceived; by it, every topic of complaint, every question of interest, is presented to your Excellency's view. It remains only to decide these several points, and with them, the fortune of the present Negotiation. The case of Claims for injuries done to the Citizens and Subjects of either Party, within the limits and jurisdiction of the other, being first in order of time, ought to be first determined. As we presumed that this subject had been already sufficiently discussed, we thought it sufficient, in our former Note, to submit such an Arrangement respecting it as we were authorized to propose. As, however, it seems to be your Excellency's desire, we shall not hesitate to communicate more fully the views and sentiments of our Government on this point, and the principles on which they are founded. It is the more necessary so to do, to free it from the complexity in which it may otherwise be involved.

It is known to your Excellency, that by the Convention of August the 11th, 1802, an immediate provision was not made for satisfying the Claims of their respective Citizens and Subjects, for all the injuries which they had received in the course of the last War, within the jurisdiction of each Power, and for which they were responsible: that it was not then possible for the Plenipotentiaries, charged with that subject, to agree on a mode of arbitrating the Claims originating from the excesses of Foreign Cruizers, Agents, Consuls, or Tribunals, in their respective Territories, which might be imputable to their 2 Governments, and that in consequence thereof, it was agreed between them, to provide then for the adjustment and satisfaction of such as were committed by their respective Citizens and Subjects only, reserving to each Government, its Citizens and Subjects, their respective rights, with liberty to bring forward their Claims, at such times as might be convenient to them. Had that Convention been carried into effect, at any time before the present, we should have had now to provide for the Claims only which were then postponed, whose just title to reparation seems to be sufficiently sanctioned by that Instrument. But as that Convention has not been carried into effect, and of course no

satisfaction made for that portion of the injuries complained of, it is proper that the whole subject should now be taken into view, and definitively settled. It would badly comport with the spirit of the present Negotiation, whose object is to adjust every difference, and remove every cause of inquietude, to leave any thing unfinished. Our Government considers its Citizens entitled to compensation for every injury which they did receive, within the jurisdiction of His Catholic Majesty, contrary to the Treaty between The United States and Spain, the Law of Nations, and the principles of justice sanctioned by them, whether they were committed by His Majesty's Subjects and Tribunals, or those of any other Nation. For all such acts, the Government, within whose limits they were committed, is alone responsible; for over them it has exclusive jurisdiction. A contrary opinion cannot be advanced, without derogating from the established doctrine of the Law of Nations, or rights of Sovereignty incident to each. It is a well established doctrine, that no 2 Nations can, by their accord, or any arrangement between them, change a Law adopted by the whole. Such change, if agreed on by any 2 Nations, can only operate as a Special Compact between them, which finds an equivalent by the reciprocity of the Stipulation, or some other Article of the Treaty; but can never change the relation of either with other Powers, or the rights and claims of such other Powers on each of those Nations. It is equally well established, that protection is due by every Government to Foreigners within its limits, in return for which they are entitled to their allegiance while they remain with them, as it is that such protection cannot be withdrawn, or the jurisdiction of a Foreign Power be permitted within its limits, to the injury of a third Power. A contrary doctrine supposes separate and independent jurisdictions and governments within the same limits, and altogether confounds the nature of sovereignty, which is complete, absolute, and exclusive, wherever it exists. It is proper to add, that this doctrine of the Law of Nations, so clear and explicit, is still further enforced by the Stipulation of the VIth Article of the Treaty of 1795, between The United States and Spain.

In the Project which we had the honor to present to your Excellency, you will find that it is intended to provide for the whole of these Claims, whether the Convention of August 11th, 1802, is carried into effect, or suffered to expire. In the former case, we should expect that an Article be inserted in the proposed one, to provide for those cases which were not provided for in that. We consider it our duty to inform your Excellency, that we cannot consent to any arrangement which does not provide for the whole subject, having received orders to that effect by a Courier who has just arrived with Despatches as late as the 3rd December last. We owe it to the spirit of candor, which is to prevail in this Negotiation, to state to your Excellency

this fact, and we ask of you to inform us, in the same spirit, whether we are to expect the accord of your Government to such an Arrangement as will be effectual to this object.

That our Government is entitled to expect an adequate compensation for the injuries which our Citizens received, by the suppression of the right of Deposit at New Orleans, is a point, on which, we did presume, there could be no doubt. The right to such a Deposit is stipulated for ever to The United States., by the XXIId Article of their Treaty with Spain, either at New Orleans, or on some other part of the banks of the Mississippi, equally convenient to the Parties. It is the obvious import of that Article, that there never shall be a moment's interruption in the enjoyment of that right; a right which was so necessary to the interests of those dependent on it, and of course to the peace and friendship of the 2 Nations. In exercising the right reserved to His Catholic Majesty, to change the place of Deposit and assign some other equivalent Establishment, it is equally the import of that Article, that the whole arrangement should be made at the same time; that the same act which suppressed the existing Deposit, should open another; and that the Government of The United States should be apprised of that intention, in due time to prevent their Citizens being injured by the measure, and also, to be consulted on the Place which it was proposed to substitute to the existing one. In the proceeding which took place at New Orleans, none of those rules were observed; all respect for our Government and the rights of our Citizens was lost sight of. In short, had that act been imputable to His Majesty's Government, the President could have seen in it nothing short of a commencement of hostilities; as much so, as if his Troops had invaded their Territory, or his Fleets entered in hostile array, any of their Ports. But the President never considered that act as imputable to His Majesty's Government. He entertained too high a respect for the good faith of the Catholic King, to believe that it proceeded from him. He always considered it as the act of the Intendant, and was happy in the result, to find that such was the case. Nevertheless, being the act of His Majesty's Officer, his Government is responsible for the injuries resulting from it. Your Excellency will find, that as early as March the 25th, 1803, the Minister of The United States accredited with His Majesty, claimed by order of the President, an indemnity for these injuries, which was repeated in subsequent Notes of the 12th and 23rd of April of the same year. It has not since been pressed, because by like order, the subject was reserved, with others, for final arrangement at the present occasion.

On the subject of Limits, we have little to add to what we have already stated in our former Note. By it, a full view is given of what our Government conceives to be its just rights in that respect. The Commissionerrrs appointed by His Majesty for the demarkation thereof,

can do nothing till some arrangement takes place between the 2 Governments, to fix the principle which is to guide them. They must remain inactive, until it be known by what course, latitude, meridian or natural Boundary, the demarkation is to be made. It is an important object of the present Negotiation, to fix that principle. We take the liberty also to refer your Excellency to our former Note, and the Papers which accompanied it, for the views of our Government, on the other topics of a Territorial nature. It is not in our power to add any thing on those points to what we have therein stated.

The President being very desirous, with a view to the permanent harmony and welfare of the 2 Nations, to adjust and arrange every question and interest depending between them, and having given us full power for the purpose, waits with anxiety the result. Having had the honor to submit to your Excellency, as was agreed in our first interview, our Propositions for the attainment of that desirable end, by which the subject is presented equally in detail as in a general view, and having now given the further explanations which were desired by your esteemed Note of the 31st ult. we have only to request, that you will give us your Answer to the same. As every point has been long under the consideration of His Majesty's Government, we do not doubt that its mind is made up as to the course the business is to take. It is in His Majesty's power, by the Answer which you give, to fix at once the relations which are to subsist in future between the 2 Nations. The United States have done every thing in their power, which a regard to justice and the rights of their Citizens will permit, to place and preserve them on a most friendly footing; and we flatter ourselves, that His Catholic Majesty, who is distinguished among Sovereigns by his regard for justice and good faith, will meet them in such arrangements as may be effectual to the object.

We beg your Excellency, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

No. 10.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*

(Translation.)

GENTLEMEN,

Aranjuez, 10th February, 1805.

I SEE by the tenor of your esteemed Note of the 5th instant, in reply to mine of the 31st ultimo, that we are of the same opinion, as it relates to the principle established, that, to regulate, amicably, all the points depending between the 2 Governments, it is necessary, first to establish the rights of each Country upon each one of the points in dispute, and then proceed to bring forward such Negotiations as the reciprocal interests of each Country may require; and in consequence of the point relative to indemnification for Damages, occasioned during the last War, by individuals of each Nation, being already so far

advanced, that ought, undoubtedly, first to occupy our attention. We will, therefore, in this Letter, discuss the points relative to Indemnifications, leaving, for another opportunity, the discussion of the Limits, which is so different in its nature.

It is just that the losses sustained by the Citizens or Subjects of either Nation, during the last War, contrary to the Law of Nations, or the existing Treaty, should be satisfied; and to this effect the Convention of the 11th August, 1802, between the Plenipotentiaries of the 2 Governments, was concluded, that the individual sufferers might find a quiet and convenient redress. The intention of the King, my Master, always unchangeable, and always conformable to the accredited honor and justice which characterize him, is now the same as it was at the time that Convention was concluded.

However, some circumstances have taken place, between the time it was concluded, and its Ratification, which will make several explanations necessary. In the first place, it appears that many Subjects of Spain, who had Reclamations to make, having been injured by the Citizens of The United States, in consequence of this Convention, came to Madrid from Spanish America, hearing that it was adjusted; but were obliged to return home, upon the report that the Senate of The United States had refused to ratify it, during the Session of 1803. It was but reasonable, then, that the Vassals of His Majesty should be informed that the Convention was ratified, that they might come forward to establish their Claims, and for this it was necessary to give them a certain space of time. His Majesty proposed that this space of time should be agreed on between the 2 Governments, that the Ratification might be known to all those interested.

It having come to the knowledge of His Majesty that Congress had, on the 27th February, approved an Act, by which it appears the President was authorized to establish Customhouses in the Territory of West Florida, and as this Province belongs to His Majesty, he having conquered it, by the valor of his arms, not receiving it from France, of course could not retrocede it to her, and as he was in the quiet possession of the same, and still remaining possessed, His Majesty could not but be offended on this account. Even should it be supposed that The United States have pretensions to this Territory, it certainly was not the way to bring them forward, to proceed to acts of possession, and disturb a friendly Nation in her rights, by a solemn Legislative Act. Such conduct must, consequently, appear to His Majesty very little conformable to the friendly relations of the 2 Countries; and under such circumstances, it did not correspond with the respect due to his Royal Person, or to the Nation which he governs, to ratify Conventions, which are acts of political friendship, with those who had violated, in a solemn manner, the rights of his Sovereignty, until they should give satisfaction, or correspondent explanation.

Thus, it was just that he should ask this satisfaction, which was done accordingly.

It having also reached the King's notice, that the French Government had satisfied The United States, for the damages sustained during the last War, by her Privateers, it appeared not only unnecessary, but capable of producing confusion, to let the VIth Article of the Convention of August, 1802, exist; by which, as His Majesty did not confess himself responsible for the damages occasioned by French Privateers, on the Coast and in the Ports of Spain, The United States did not strengthen their rights, which they thought they possessed; and to let it exist would but expose the business to confusion. A desire, therefore, was manifested that the VIth Article should be suppressed. For the purpose of making these circumstances known to the American Government, His Majesty thought proper to suspend the Ratification of the Convention, and sent off a Courier to The United States, with Letters to this effect, to his Minister Plenipotentiary resident there.

Your Excellencies are acquainted that your Government, being instructed relative to the observations which were made to them, by His Majesty's Minister, upon this subject, agreed to fix a term in which His Majesty's Subjects, interested in the Convention, might have notice of its Ratification, and come forward with their Claims before the Commissioners; and that each Government should give orders to its respective Citizens and Subjects, not to commence their operations, until a convenient term should expire. Thus, upon this Article, there remains nothing to do, but to fix this term, in order that the Ratification of the Convention may take place.

In respect to the second particular, the Reply of the American Government, was not so decisive and clear as His Majesty had a right to expect from a Government so friendly. The Act of Congress, of the 24th of February, 1804, in *its obvious and literal sense*, disturbed the peaceable possession which His Majesty had, and still has, of West Florida, and the explanations of the President of The United States, contained in his Proclamation of the 3rd of May, saying that it was to be carried into effect *within The United States*, could not be considered but as equivocal and susceptible of a double meaning, although the explanation of the Secretary of State of The United States, is somewhat more explicit, promising to leave every thing *in statu quo*, until an amicable arrangement should take place with Spain; and that the Port of Entry, mentioned in the Act, would be established at Fort Stoddart, within the present Territory of The United States. As His Majesty desires to live in harmony with The United States, he wishes to persuade himself, that this explanation, although it does not give that satisfaction, which he had so just a right to expect, is in some measure satisfactory, so far as it respects his quiet possession of West

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Florida. But could not His Majesty complain, that satisfaction has not been given in explicit and solemn terms, for the publicity of a solemn Act, whose obvious and literal sense, went to disturb his quiet Possessions? On the other hand, it is said, in a plausible manner, that the Port of Entry shall be at Fort Stoddart: but how is it possible to arrive at Fort Stoddart, or go from thence to the Sea, without navigating the Rivers of West Florida, traversing its Territory, and disturbing the peaceable possession of His Majesty? Thus his well founded motives of complaint, in respect to that Act, still exist; and His Majesty intends to keep them in mind, that satisfaction may be given by The United States; but as it relates to satisfying the Convention of August, 1802, His Majesty agrees from this time, to be satisfied in this respect, and thinks, in so doing, that he gives an unequivocal testimony of his friendship towards The United States.

Two obstacles to the Ratification of the Convention being removed, we should now treat only of what relates to the VIth Article of the said Convention. His Majesty expressed a desire, that this Article should be suppressed, under the idea that its insertion would neither add to, nor diminish the rights of The United States, or of His Majesty. The clear and obvious sense of that Article is, that the 2 Contracting Parties, not having been able to agree, relative to the Indemnifications reclaimed by The United States, for damages occasioned by French Privateers and Tribunals, on the Coast, and in the Ports of Spain, reserved to themselves, for a future day, the rights they might have, The United States to reclaim, and His Majesty to show, that he was in no manner bound to satisfy them. In this particular, therefore, no right is given to the Citizens of The United States, or taken away from them, by this Article; and during the long space of time that has passed, between the adjusting the Convention and its Ratification, His Majesty thinks he has demonstrated, in a most evident and decisive manner, that he is not responsible for the said Indemnification. It appears superfluous to permit the existence of an Article that can neither give, nor take away any right, and which can only serve to produce confusion.

It never was the intention of His Majesty, nor is it now, that the suppression of the said Article, should imply a renunciation, by The United States, of the right which they think they have to reclaim the said Indemnification; but on the contrary, only that they should not believe that His Majesty renounces, on his part, the right he thinks he has to resist the payment of it. But, should the American Government have any objection to the suppression of the said Article, His Majesty will not oppose its continuance, provided it be understood in the Ratification, that, by the insertion of the VIth Article, it is not, in any wise, to be inferred that His Majesty renounces the exceptions, which are occasioned by the Convention, concluded between The

United States and France, the 8th Vendemiaire, year 9,—the context of the Treaty of the sale of Louisiana, concluded between the same Powers,—the affirmation of the French Government, through the medium of its Ambassador, Lucien Bonaparte, that the damages sustained by The United States, during the last War, were satisfied by France,—and other strong reasons by which this pretension is opposed.

The American Government cannot be surprised, that His Majesty wishes to make this explanation in his Ratification, if it is recollected that such an explanation is, undoubtedly, contained in the VIth Article. It mentions that His Majesty *reserves* to himself the *rights* which *belong* to him; although it is not particularly or expressly mentioned, what are the rights which His Majesty believes belong to him; and, at present, to avoid ambiguity, he thinks it necessary to explain in the Ratification, what these rights are, which are reserved by the VIth Article, and to make mention of them.

If The United States, on their part, wish to validate the rights, which they think they have, to exact Indemnifications, and also, to reserve them in the same Article, it will then be beginning a separate pretension, which in no wise ought to embarrass the regular course of the Convention of 1802. It should be reduced to this question:—is Spain responsible or not, for the damages and losses, occasioned by French Privateers and Tribunals, within her jurisdiction, during the last War? Spain believes that she is not responsible, and thinks that she can demonstrate it to a certainty.

But, as this is the second point in order, relative to the pretensions which your Excellencies have manifested, it appears to me convenient to treat it separately also, after the plan proposed in my Note of the 31st ultimo. In the mean time, referring you to what I have already written on this point, relative to Indemnification for losses sustained by French Privateers, &c. to Mr. Pinckney, under date of 23rd August, and 5th October, 1803, and to save your Excellencies the trouble of referring to the Correspondence of that year, I take the liberty to enclose Copies of them, and also of the opinions of Lawyers, the most celebrated in The United States, who have been consulted upon this subject, and who unanimously declare, that Spain was not responsible to satisfy the said Indemnities; and, in which Declaration, these Lawyers gave a proof of their rectitude, by declaring their sincere concession of the slender foundation, on which these Reclamations of their Country rested.

I conclude this Letter, by assuring your Excellencies that His Majesty is disposed to ratify the Convention of the 11th August, 1802, in the form which has been mentioned, and that, should your Excellencies find no difficulty in so doing, as I hope will be the case, immediately after the Ratification of the Convention, we will proceed to the

other depending points, and finally, to those Negotiations, which the reciprocal interests of both Countries may require.

I renew to your Excellencies the assurances, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 11.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 12th February, 1805.

WE have received your Excellency's Letter of the 10th instant, and have considered it with the attention which was due to an interesting Communication, on a subject of great importance to The United States. By it we perceive, with regret, that an accord is not likely to take place between us, on the point to which it refers, since it appears that His Catholic Majesty is not disposed to make reparation to the Government of The United States, for all the injuries which their Citizens received under his jurisdiction, of the character described in our former Note, whether the same were committed by His Majesty's Subjects, or those of any other Power. Having had the honor to inform your Excellency that we could accede to no arrangement which did not provide for every injury, it seems useless to prolong the discussion on that point. We submit it to your Excellency's consideration, on what we have already said.

Your Excellency having expressed a desire to leave the other points to be discussed afterwards, it is proper now to proceed to them; and, as we have already submitted the Claims of The United States, for injuries arising from the suppression of the right of Deposit at New Orleans, and as to Boundaries, with our opinions thereon, and the wish of our Government that the same should be amicably adjusted, we take the liberty to request that your Excellency will have the goodness to state to us, what are the views of His Majesty's Government on these points, particularly as to the eastern and western limits of Louisiana, and how far His Majesty is content to cede all his claim to the Territory lying eastward of the Mississippi; whether he is willing to adopt the plan of a Neutral Territory, and in what extent. By being possessed of His Majesty's sentiments and propositions on these points, we may be enabled to take a view of the whole subject, and see whether it is yet possible to come to some accord, by a general arrangement, which, while it keeps out of sight questions, on which unfortunately there has been so much difficulty and disagreement, may in the end do substantial justice to all parties.

Believing this to be the most effectual and speedy mode of concluding the business, we shall wait with anxiety and impatience your Excellency's Answer to this Communication. We beg to repeat, that we shall receive with consideration, and weigh with attention, whatever propositions, by His Majesty's order, your Excellency will do us the

honor to communicate, having in view the amicable adjustment of the whole business.

We have the honor, &c.

CHARLES PINCKNEY.

JAMES MONROE.

H. E. Don Pedro Cevallos.

No. 12.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*

(Translation.)

GENTLEMEN,

Aranjuez, 16th February, 1805.

THE contents of your esteemed Note of the 12th instant, in answer to mine of the 10th, have caused me some surprise, as well on account of not having found in it, as I had promised myself, that your opinions are for continuing the discussion relative to the Reclamations of Individuals of both Nations, as of your determination to suspend the Discussions, upon the matter of this subject, unless the Spanish Government will make itself responsible for the losses occasioned by French Privateers. It is my opinion that, as they are 2 species of Reclamation so different in their nature, they can easily be divided into 2, and that after the Convention upon the first point is ratified, the discussions upon the second can take place without inconvenience; and I am persuaded; that in justice to the individuals of both Nations who have received reciprocal injuries during the last War, we ought to terminate and satisfy, as soon as possible, those Reclamations on which both Governments are agreed, without prejudice to, or discontinuing the examination of, the other points.

It appears, however, that your Excellencies wish to leave this point unsettled; and moreover, refuse to enter into ulterior discussions on the point of Indemnifications for losses occasioned by French Privateers. In this state of the affair, and notwithstanding the manner in which your Excellencies have chosen to proceed, I cannot but repeat to you, what the accredited honor of my Government required, to wit; that His Majesty is now, and ever will be, disposed to do justice to the Citizens of The United States, injured by Spanish Subjects, during the last War, and to conclude and ratify any Convention relative thereto. But as it relates to injuries occasioned by French Privateers, on the Coast and in the Ports of Spain, His Majesty thinks he cannot accede, in this point, to the pretensions of The United States, because he believes that he has demonstrated *in the most convincing and evident manner*, that Spain is not responsible for such Indemnifications.

Although in my Letters to Mr. Pinckney of the 23d August, and 5th October, 1803, and in the reply of the Lawyers of Philadelphia and New York upon this point, of which I enclosed to you Copies in my Note of the 10th instant, it is clearly demonstrated, that the Spanish Government is not responsible for such Indemnifications, I had, never-

theless, determined, that when (in the order proposed) we should have arrived at this second point of the pretensions of your Government, to have entered further into the discussion of this subject, and to have extended my observations thereon, so as to demonstrate the solid reasons by which the Spanish Government could refute such pretensions. But as your Excellencies believe that it is not necessary, or that it is incompatible with your instructions, to lose your time in such discussions, I do not wish to molest your attention, and only again refer you to the Letters before-mentioned, and also to the reply of the American Lawyers. But your Excellencies will permit me to make known to you, how far the French Government is persuaded of the unfounded right which the American Government has to reclaim any thing from Spain for damages occasioned by French Privateers within the jurisdiction of Spain, and of the surprise which the notice of such a demand from The United States has occasioned to France; for this purpose, I shall copy, for the information of your Excellencies, the expressions made use of in the latter part of a Note, under date of the 27th July, 1804, written by the French Minister of Foreign Affairs, to the Ambassador of His Catholic Majesty at that Court.

The French Government erroneously believed that Spain had gone so far in her condescensions to The United States, as to make herself responsible for the said Indemnifications, and in consequence, the French Minister of Foreign Affairs explained himself in the following manner: "And certainly if I had been informed that the Ministers of His Catholic Majesty had carried their condescensions towards the Government of The United States, so far as to engage Spain to be responsible to it for the Indemnities for pretended violations made by France, I should most assuredly have received from my Government an order to manifest the discontent which France would have experienced *by a condescension so improper*; a discontent that would have been more strongly expressed towards the Government of The United States, than towards Spain; besides, the explanations which have already been given to your Court on this subject, (alluding to the communication of the Ambassador Bonaparte,) and those which I have authorized to be again made to the Government of The United States, by the Chargé d'Affaires of His Imperial Majesty, ought to leave the presumption, that from the opinion which His Majesty has adopted on this question, *that as it has already been the object of a long Negotiation, and of a FORMAL CONVENTION BETWEEN FRANCE AND THE UNITED STATES, IT CANNOT again become the subject of a new discussion.*"

The expressions of the French Minister are clear and pointed, and pourtray in a convincing manner, not only that France has satisfied The United States for the damages which they pretend to claim from

Spain, but also the just surprise which has been caused to his Government, by the notice of such pretensions on the part of The United States, pretensions which are directed to obtain a double Indemnification for one and the same Debt.

Under this supposition, and continuing the order we proposed, to fix, in the first place, the rights of each Nation, upon each one of the points in controversy, I will proceed to that of Indemnifications, which your Excellencies reclaim for the suspension of the rights of Deposit at New Orleans. To determine whether Spain is, or is not, responsible for the damages which your Excellencies suppose to have been sustained by the Citizens of The United States, by the suppression of the Deposit at New Orleans, in consequence of the Edict of the Intendant of that City, it is necessary to examine what are those damages, and from whence they have arisen. The Edict of the Intendant of New Orleans, suspending the Deposit of American produce in that City, did not interrupt, nor was it the intention to interrupt the free navigation of the Mississippi; consequently, these pretended injuries are reduced to this small point, that, for a short time, the Vessels loaded in the stream, instead of taking in their Cargoes at the wharves; this obstruction will appear still less, when we consider, that during a great part of the time that the Deposit was suspended, it was in the middle of winter, when the exportation of produce from the western parts of The United States, by the Mississippi, is very inconsiderable. If the erroneous opinions which were formed in The United States upon the occurrences at New Orleans; if the complaints published in the Papers of your Country, as false as they were repeated, that the navigation of the Mississippi was interrupted; if the virulent writings by which the public mind was heated, and which led to compromise the American Government, and tarnish the good name of that of Spain; were causes that the Inhabitants of the western Territory of The United States could not form a *correct idea of what passed at New Orleans*; and if in this uncertainty they were disappointed in the extraction of their produce, or suffered other inconveniences, they ought to attribute the same to internal causes, which originated in their own Country,—such as the writings before-mentioned, filled with inflammatory falsehoods, the violence of enthusiastic partizans, and other occurrences, which, on those occasions served to conceal the truth. The Government of Spain, so far from being responsible for the prejudices occasioned by these errors and erroneous ideas, ought, in justice, to complain of the irregular conduct pursued by various Writers and other Individuals of The United States, which was adapted to exasperate, and mislead the public opinion, and went to divulge sentiments the most ignominious, and absurdities the most false, against the Government of His Majesty, and his accredited good faith.

Estimate the damages which may have arisen to the Citizens of The United States, by their erroneous conception of what took place at New Orleans, and they will be found to be no other than the trifling inconvenience, before mentioned, of their Ships loading in a situation not so commodious, an inconvenience for which the Government of Spain is not responsible, (neither ought to be,) and which does not, in any manner, merit to be mentioned; more especially when it is considered, that those who experienced it, had been enjoying the rights of this Deposite, 4 years more than was stipulated for in the Treaty; and this, notwithstanding the great prejudice it occasioned to His Majesty's Revenue, by making New Orleans the centre of a most scandalous Contraband Trade; the profits of which, it is not improbable, but that some of those Individuals have, in part, received, who now suppose themselves injured by said trifling inconvenience.

After 4 years more than the Treaty expressed, (to wit: 3 years,) making in all 7 years, the Intendant thought that it was his duty, no longer to permit a Deposite, which gave an opportunity for carrying on a fraudulent commerce, prejudicial to the interests of His Majesty, for which he was accountable; he thought it was necessary that New Orleans should no longer be the place of Deposite, on account of those inconveniences, and in consequence, prohibited the same.

Before proceeding to such a determination, the Intendant ought to have asked Instructions from his Government; but, perhaps he thought he might be compromised by delaying this measure. His Majesty, as soon as he was informed of the Edict prohibiting the Deposite, was pleased to revoke it, wishing thereby to give another testimony of his friendship for The United States. What, in strict justice, was the Deposite at New Orleans? A generous and gratuitous concession of the King my Master, for 3 years. It is true, that His Majesty agreed, in the XXIInd Article of the Treaty, to continue the favor of the Deposite, if it should be found that no inconvenience resulted therefrom; and of this, no person was a better judge than His Majesty, and his Agents in that Colony. If The United States desired after the expiration of 3 years, to continue the Deposite at New Orleans in a less precarious manner, or to have obtained another place for the Deposite, they ought to have solicited the same; for it is more natural that those who aspire to a favor, should solicit it, than that those who have the possession of the same, should propose the cession, or continuance of it.

By this it is not intended to support the Edict of the Intendant; His Majesty has disapproved that Edict, giving thereby, a proof of his friendship for The United States. However, this subject ought not to be treated on, in the light of exacting Indemnifications resulting from it; but should be examined, to see, if in strict justice, the Intendant or the Spanish Government, could or could not, prohibit the Deposite

at new Orleans; 4 years more than the 3 stipulated in the Treaty having expired, and, during which time, the Royal Treasury experienced the most serious prejudice. Most certainly the Intendant had a right, to prohibit the Deposit; and consequently, the Government of Spain cannot be responsible in this point; and this reflection acquires a double weight, if we consider the trifling inconvenience occasioned by the true effect of the said Edict, of its short duration, and on the other hand, the serious damages which the King's Revenue has experienced by the continuance of the Deposit for 4 years over and above the term stipulated in the Treaty.

I think your Excellencies will be convinced of the force of these arguments; and it is to be desired, that in consequence of what I have represented to your Excellencies, and to Mr. Pinckney in particular, upon the various points of Indemnifications reclaimed by your Government, we may now be of the same opinion, and proceed to fix the rights of each Nation on the other question relative to the Limits of Louisiana, which is in its nature, different; because, to leave the first points in dispute undecided on, and even without discussing their merits, cannot but augment the confusion of the business, for it is very difficult to settle, in an amicable manner, the whole of the points in dispute, there being an essential difference of opinion on some parts of them.

I am also disposed to enter into discussion upon the Limits of Louisiana; but, in the manner proposed by your Excellencies, and adopted by me, in my Note of the 31st ultimo, to wit: to fix in the first place, the rights of each Country, and then proceed to such Negotiations as may be convenient to both Nations.

With demonstrations of my most distinguished consideration, I renew to your Excellencies, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 13.—*Messrs. Pinckney and Monroe to Don Pedro Cevallos.*

Aranjuez, 18th February, 1805.

MR. Pinckney and Mr. Monroe have the honor to present their compliments to his Excellency Don Pedro Cevallos, and request that he will be so good as to honor them, to-morrow, with a Conference, or at such other time as may be more agreeable to him. They think proper to ask this Conference, in consequence of the Note of His Excellency of the 16th instant, received this morning, which appeared calculated to put a prompt end to the Negotiation, and that not in an amicable manner. They are desirous of obtaining it before they give an Answer to that Note, in the manner which their recent Instructions make necessary, to see if it is yet possible to arrange amicably the differences which subsist between the 2 Countries.

H. E. Don Pedro Cevallos.

No, 14.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

GENTLEMEN,

Aranjuez, 24th February, 1805.

IN my Note of the 16th instant, I informed your Excellencies that, after having examined the points relative to the Indemnifications claimed by The United States, I should be equally disposed to enter into discussions upon the Limits of Louisiana. In this mode of proceeding I follow the plan laid down in your Excellency's first Note, to wit; first to fix the rights of each Nation, and then proceed to such Negotiations as may be proper for both.

On my part, I continue to follow this plan; a plan which is so conformable to the wishes of both Governments, and so well adapted to the purpose of terminating amicably their differences. We will now begin the examination of the Limits of Louisiana, whose Boundaries, by their nature, are divided into parts essentially distinct, and for this reason we will examine them separately. They are the limits of Louisiana, on the East or side of the Floridas, and its Boundary on the side of the interior Provinces of New Mexico. The first shall be the object of this Letter.

If the Declaration of the Act of Congress, of the 24th February of the last year, had not anticipated the Declaration of the pretensions of The United States, to extend the limits of Louisiana, on the East, as far as the River Perdido, including within them the greater part of West Florida, I should have been surprised to have seen this pretension manifested in the first Note of your Excellencies. It appears as if the title alone of the Treaty, by which His Majesty *retroceded* Louisiana to France, and to whose title The United States have succeeded, was sufficient to banish even the most distant idea, that His Majesty had, by it, ceased to be the proprietor of West Florida, a Province which Spain never received from France; for the possession of which she was only indebted to the valor of her arms, many years before the acquisition of Louisiana; and, never having received it from France, it could not be included in a Treaty founded entirely on the principle of *retrocession*. But, as notwithstanding this reflection, so obvious and clear, The United States pretend to stretch the limits of Louisiana to the River Perdido, I find myself under the necessity to manifest more fully the solid and unshaken principles by which the King, my Master, founds his right to the possession of the Province of West Florida.

By the Treaty of sale of Louisiana, signed at Paris, 30th April, 1803, The United States have acquired the right which France held in virtue of the *retrocession* of that Province, made to her by His Catholic Majesty at St. Ildefonso, 1st October, 1800. The stipulation, which ought to serve to found the pretensions of The United States

cannot be any other than the IIIrd Article of the Treaty of Retrocession.

The first thing which calls our attention in explaining the said Article, is the expression *retrocede*, and which also serves to denominate the Treaty of St. Ildefonso, called the Treaty of *Retrocession*. The sense of this expression is obvious; it cannot be misinterpreted or confounded. Its meaning is evidently this: *That His Catholic Majesty returns to France the Territory which he had received from her*. Now let us examine if France put Spain into possession of the Territory which occasions the present discussion. It is without a doubt, that by the Treaty of 1763, it was agreed that the separation between France and England, of their Possessions in that Quarter, should be by a line through the middle of the Rivers Mississippi and Iberville, and the Lakes Maurepas and Pontchartrain, to the Sea; consequently, France ceded to England the River and Port of Mobile, as well as all her other Possessions on the East of the Mississippi, the Island and City of New Orleans excepted. From that time this Territory formed a part of the *Possessions of the English*, under the name of West Florida, and France lost all claim and title to it. Thus it became an *English Possession*, and during the War of 1779, Spain conquered from England all that the latter possessed, by the title of West Florida; and in the Definitive Treaty of 1783, England ceded to Spain, under a guarantee, both Floridas. It is then seen, by this plain and simple exposition of facts, that the title by which Spain holds possession of the Territory, on the East of the Mississippi, called West Florida, was acquired to her by the right of conquest, at the expense of her treasures, and the blood of her Soldiers, and also by the Cession made by England, under the Treaty of 1783. From that time, the title of Spain to the possession of that Territory, is entirely *independent* of France, and of the Cession of Louisiana made by her; and, consequently, Spain could not give back to France what she had not received from her. We will continue the discussion on the IIIrd Article of the Treaty of St. Ildefonso.

In the first place, it is said that His Majesty retrocedes Louisiana *with the same extent of Territory which it now has in the hands of Spain*. This expression confirms, most explicitly, the right which Spain preserves over the said Territory, to the East of the Mississippi; because it is well known that Spain possesses West Florida, *not as Louisiana*, but *as Florida*. This circumstance, so notorious, is confirmed by the title of the Governors of the Havanna, who, in their characters of Captain Generals, have always governed under the title of *Captain Generals of the 2 Floridas*; and by all the most authentic Public Acts, which have passed since His Majesty has been in possession of said Territory, this title has been preserved. It will be sufficient to mention the Treaty concluded between His Catholic Ma-

jesty and The United States, in 1795, in the IInd Article of which we read the following conclusive words: "That the Southern limits of The United States, which separate them from *the Spanish Colonies of East and West Florida, &c.*" It is then proved, in the most authentic manner, the separation of West Florida from Louisiana, and their different appellations; and it is a thing generally understood that names of Countries, bartered, ceded, or retroceded, by a Treaty, should be considered according to the general acceptation existing at the time of making the Treaty. It is clear that if in that of St. Ildefonso, it had been wished to include West Florida, it would have been expressly mentioned by the name which authenticates it, and under which it is generally known; for, it would be ridiculous to have given the name of Louisiana to that Territory, because it had once formed a part of that Province; as much so as it would be at present to call the State of Ohio, Louisiana. Consequently, no doubt remains that, as His Majesty was in possession of the said Territory, under the name and quality of West Florida, it could not be included in Louisiana, *because it was in the hands of Spain, on the 1st October, 1800*, the epoch of the Treaty of St. Ildefonso; and because the beforementioned Clause of the IIIrd Article, in its natural and explicit sense, excludes France from a right to West Florida.

The IInd Clause or expression of the same Article, *and which it had when France possessed it*, alludes only to the manner in which France possessed it in 1763, when she delivered it to Spain; for if any other sense is given to it, that expression cannot be consistent with the anterior, which says, *with the same extent which it now has in the hands of Spain*; for if, in the IInd Clause, a *greater extent* should be given to Louisiana, than that which it had in the hands of Spain, how could it be with the *SAME extent* which it had in the hands of Spain? It is repugnant to common sense, that the delivery had to be with the *same extent* and with *more extent*; it being with *more*, it could not be with the *same*. It is then clear, that the obvious sense of both Clauses together, and the only one which is not absurd and contradictory, is the following: that Louisiana was retroceded with the same extent it had in the hands of Spain in 1800, and that which it had when France possessed it and gave it up to Spain. The expression, *when France possessed it*, not making a fixed time, it is clear, that it ought to be determined by the Clauses of the same Treaty, and interpreted in terms which will not give an absurd sense, or contradict the other expressions of the same Article. Since, if we should admit the expression *when France possessed it* in all its latitude, it would result, that Spain had obligated herself by the IIIrd Article, to give France a part of the State of Kentucky, and all the State of Ohio and Territory of Indiana, and that France should hold a right by the Treaty of St. Ildefonso, to resell said States as a part of Louisiana *when*

France possessed it, and also to prohibit the Navigation and the Deposite to the Americans, because that France had to receive Louisiana as *she possessed it*; absurd reasoning, which does not merit to be refuted, and which arises in consequence of the undefined latitude which it is pretended to give *when France possessed it*. It is a principle incontrovertible of the Law of Nations, that Treaties should not receive an odious or absurd interpretation, especially when they admit a clear and simple one. It would be both odious and absurd, to suppose that Spain had ceded Louisiana to France, with all the extent with which she had possessed it at an epoch anterior to the Treaty of 1763, for it would thence result, that she had engaged to give to France part of The United States, as before mentioned, and it would be equally absurd on the part of France, because she abandoned, by the Treaty of 1763, all her rights and pretensions to the country East of the Mississippi, to Great Britain; and by her Treaty of 1778, with The United States, she was bound in such a manner, that she could not acquire a Territory to the East of the Mississippi, without the consent of The United States, and only by that of conquest. At the same time, it would do very little honor to The United States to maintain an interpretation, the consequence of which, would make it appear, that that part of The United States formed by the Ohio and a part of Kentucky and Tennessee, might be comprehended, and become the object of Stipulations and Cessions between 2 Foreign Powers, such as France and Spain, who have no right to meddle with them.

The IIIrd Clause of the IIIrd Article of the Treaty of St. Ildefonso, is still more decisive, and offers other arguments in favor of Spain, since it says, *and such as it ought to be, according to subsequent Treaties between Spain and other Powers*. The Treaties that are here indicated, are not, nor can be, other than those of 1783, between Spain and England, and of 1795, between Spain and The United States. By the first, His Majesty acquired the Territory east of the Mississippi, under the name of West Florida, and consequently, to be *as it ought to be since the Treaty of 1783*, is with the exclusion of a Territory acquired at that period, and with a name so different. By the IInd, His Majesty permitted the Deposite, and fixed the limits between Louisiana, the Floridas, and The United States, to be as *as they ought to be after the Treaty of 1795*, is with the exclusion of France to the rights acquired by The United States in this Treaty. And thus, as the Treaty of St. Ildefonso could not affect the rights which The United States acquired by that of 1795, so neither did it affect or could it affect, the right acquired by His Catholic Majesty, by the Treaty of 1783, with England.

It would be unnecessary to accumulate more proofs in a case so clear in its nature, but I cannot but mention to your Excellencies, in

support of the unquestionable right which Spain has to the Territory in question, the respectable and undeniable opinion of the celebrated geographer of The United States, Mr. Ellicott, whose knowledge and talents occasioned his being named by the Government of The United States, to run the line of division between the said States and the Spanish Provinces on the south of them, according to the Treaty of 1795. This person, who, perhaps, has more knowledge of what relates to the Territory in question than any other, in the preface of his work, published in 1803, under the title of the "*Journal of Andrew Ellicott, late Commissioner, in behalf of The United States,*" &c. &c., speaking of the sale of Louisiana made by France, he says, under date of "Lancaster, 22nd July, 1803," "It does not appear by the Cession of Louisiana to The United States, we obtain the whole of both sides of the Mississippi, for by consulting Number V of the Maps, it will be seen that the Island of New Orleans, which lies on the east side of the Mississippi, *only extends* north to Manchac; *from thence*, northerly along the east side of the River, to the southern Boundary of The United States, is *still held* by His Catholic Majesty, as a part of West Florida." And lower down, he says, "the important and safe Harbours in both the Floridas, *still remain* in the possession of His Catholic Majesty." These expressions so notable, corroborate and confirm, in the most positive manner, the incontestable right of His Catholic Majesty to all the Territories which are on the east of the Mississippi, under the line of the 31st degree, excepting the Island of New Orleans.

Besides what has been said, it cannot be doubted that the Treaty of Retrocession of 1800, was a Contract between Spain and France, and consequently, it was for France to have represented, in case she had not received all the Territories expressed in that stipulation. And it is certain, that the Prefect Lausat, charged to carry into effect the Treaty, being perfectly instructed in it, and being possessed with the intentions of his Government, has expressed himself satisfied with the manner in which it was carried into effect, without his having been put into possession of the Territory in question. Thus The United States, who have succeeded to the Rights of France, have no motive whatever to pretend to what France has thought did not belong to her.

I could, by an accumulation of more and more proofs, establish in different ways, the incontestable rights of the King, my master, to West Florida; but it appears to me, what has already been said, is sufficient, so as not to leave a doubt in the mind of any one that will examine the question impartially; not even in the minds of such as Ellicott, who, notwithstanding the love he bears to the Government that employed him, and in whose favor he has wrought, could not do

less than give that just homage to truth and justice, which they merit.

With assurances of my distinguished consideration, I remain, &c.
Messrs. Pinckney and Monroe. PEDRO CEVALLOS.

No. 15.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.
Aranjuez, 26th February, 1805.

MR. Pinckney and Mr. Monroe present their compliments to his Excellency, Don Pedro Cevallos, and have the honor to enclose to him their Answer to his Note of the 16th, which was prepared and intended to have been sent yesterday. They avail themselves of the opportunity to acknowledge the receipt of his Excellency's Note of the 24th, received last night, respecting the Eastern limits of Louisiana, to which they will pay immediate attention.

No. 16.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.
Sr. *Aranjuez, 26th February, 1805.*

WE have the honor to acknowledge the receipt of your Excellency's Letter of the 16th instant, whose contents and tone have equally surprised us. We should consider ourselves failing in the respect which we owe to our Government, if we did not express our sentiments on it, in both respects. In so doing it is necessary to review concisely, what has already passed between us.

Your Excellency will recollect, that in our interview which took place immediately after Mr. Monroe had the honour of being received by His Majesty, that the objects of his Mission were fully communicated, and that it was agreed that we should present to your Excellency a Project for the adjustment of every point, to which you were as good as to promise an early and explicit Answer. In compliance with that arrangement, we did present to your Excellency, on the 28th ultimo, the Project which we had promised; in which we stated fully the views of our Government, with its opinion of the rights of The United States on each point, which we illustrated, in those cases which had not been already exhausted, and of course, where illustration could be necessary, or was even likely to be agreeable. We had a right to expect, and we did expect, an Answer equally full and explicit to every point. In this, however, we were disappointed. On the Claims to indemnity for injuries, your Excellency thought proper, it is true, to intimate, in respect to Spoliations, that His Majesty was willing to ratify the Convention of August 11th, 1802, after the obstacles which occasioned its postponement should be removed; and, in respect to that arising from the suppression of the Deposit at New Orleans, that Spain was not accountable for them, but without giving any reason for the assertion. On the great question of Territorial Rights and Limits, as on the mode of providing for their

security, and with it the peace and harmony of our Governments, on which we did ourselves the honor to make to your Excellency, what we deemed liberal and salutary Propositions, we received what could not be considered as an Answer, since it neither rejected our Propositions, offered others, or expressed any sentiment respecting them. If it was proper to open the whole subject, as was admitted in our first interview, it was equally so to answer it. And that it was proper to do so, is not only proved by the agreement referred to, but by the situation of the 2 Countries at the present time. The several points are, it is true, in their nature distinct, yet it is obvious, that the whole must be brought into view, and settled together. We do not perceive the means, nor has your Excellency suggested them, of adjusting a part, and leaving the others unfinished.

Although we could not but be hurt at receiving an Answer so vague and unsatisfactory to our Letter, yet we deemed it inconsistent with the respect we owed to both Governments, to your Excellency, and to ourselves, as with the spirit of conciliation which we wish to preserve through the Negotiation, to express that sentiment. We did more; we met the invitation which your Excellency seemed to give us, without, however, furnishing the example, by proceeding to explain further, the views of our Government, and illustrate its rights on the 2 points, on which you had given any opinion. The claims to compensation for injuries arising from spoliations on our Commerce, and the suppression of the Right of Deposit at New Orleans, had long been before our Governments, and their merits were well understood. That for spoliations more especially, had been so fully and amply discussed, both here and in The United States, as to leave no doubt that such discussion was not necessary to enable either party to make up its mind on it. By entering into it, therefore, we gave your Excellency a convincing proof of our desire to accommodate with your wishes, in the hope that it would produce on your part, a correspondent result. We flattered ourselves, that as the whole subject was again presented to you, in all its points, with the explanation which you had invited on the 2 first, we should have received a full Answer from His Majesty's Government on each, and of course on the whole. In this, however, we were again disappointed. We received, in substance, only the same proposition which had been made to us before, which we had, as we presumed, clearly proved to be incompatible with the Rights of The United States, and the principles of justice, and which, as we had taken the liberty to inform your Excellency, the repeated and recent Orders of our Government prohibited us from accepting. Under these circumstances, we considered it our duty to acquaint your Excellency respectfully, that we deemed it useless and improper to prolong the discussion on that point; at the same time requesting you to be so good as to communicate the

sentiments and propositions of His Majesty's Government on the whole subject; that we might see whether it would be possible, while we avoided discussions of an irritating tendency, to adopt some plan, which, by a general arrangement, might provide for this, as well as the other objects, and thereby render justice in the most acceptable manner to all Parties. To this proposal, the most respectful and friendly that we could make, one which is warranted by the uniform practice, in similar transactions and cases, of all Powers, especially the most friendly to each other, we received a Letter which is addressed in a very different spirit. By it we are charged with refusing to discuss points, which we had already discussed, and on which we had given to your Excellency our ulterior opinion; our Government is charged with the dishonorable attempt to obtain a double indemnity for the same object; many of our Citizens are denounced as unprincipled Contrabandists; and others, if not the whole Nation, as enthusiastic partisans, calumniators, and disfigurers of truth; for, in respect to the suppression of the Deposit at New Orleans, all America had but one opinion, and spoke with one voice; in the Article of the Press, the freedom of our internal Institutions, which all Nations have a right to regulate, and do regulate, as suits themselves, is attacked; the right of the Intendant to suppress the Deposit at New Orleans, is justified, and the right itself, though stipulated and made permanent by a solemn Treaty, a stipulation which had its equivalent in the other Articles of the same Instrument, and was otherwise prompted by the law of nature, of reason, and the interest of Spain, is represented as a gratuitous or charitable donation to The United States, which His Majesty had a right to suppress, and keep suppressed till their Government should implore him to open it to them again. On this Note, we think proper to observe, that it was impossible for us to have received one which could have been more unexpected. It was the more so, because in all our Communications, we had been studious, in obedience to the orders of our Government, orders which we executed with pleasure, to manifest its high respect for His Catholic Majesty, and we were not conscious of having failed in that which we entertained for your Excellency.

We forbear to make any further comment on the tone of this last Note at present, because it is probable it may convey sentiments which are not entertained. We are aware, that in the zeal of an important discussion, incidents of that kind often occur, and are prompted by patriotic motives, even with those who are the most guarded. We trust that the character of the American Government and People, which is well known, and we flatter ourselves, held in just estimation by other Powers, will not be injured by the spirit of conciliation and moderation which animates us on this occasion. On the presumption therefore, that no premeditated outrage was intended, and with a [1817.—18.]

sincere desire to adjust amicably the differences subsisting between our Countries, we will proceed to answer the several objections urged in your Excellency's last Note, to what we consider to be the just Claims of our Government.

Your Excellency insists, that His Catholic Majesty is not answerable for the spoliations that were committed on the Commerce of The United States, within the jurisdiction of Spain, in the course of the last War, by French Cruisers and Tribunals; and you urge in support of the doctrine:—1st, that those Claims were satisfied by the Treaties which have taken place between The United States and France;—2d, that Spain was not in a situation to prevent those aggressions on our Commerce. We will examine with candour both these pretensions, which we are persuaded, it will be easy to show, are unfounded. 2 Treaties have latterly taken place between The United States and France;—the 1st, on the 30th of September, 1800; the 2d, on the 30th of April, 1803. Permit us to ask, by which of these was such extinguishment made? If by the first, it is not likely that the subject would have been thought of in the 2nd; if the 2d is relied on, it is an admission, that it was not done by the 1st. Your Excellency seems disposed to rely on both, which cannot be considered otherwise, than as a proof that neither alone had done it. It is equally obvious, that it was not done by both together, since, whether we examine them separately or together, they expressly preclude the idea.

By Article IInd of the Convention of 1800, between The United States and France, it is agreed, for certain considerations therein specified, to postpone their respective Claims to Indemnities to a more convenient time, and by the Ratification of that Convention, those Claims were relinquished for ever, on both sides.

By Article Vth of the same Convention, it is agreed, that certain specified Claims or Debts should be recoverable in the same manner, as if no misunderstanding had taken place between the Parties.

By Articles Ist and IInd of the second Convention, entered into on the 30th of April, 1803, provision is made for the payment of the Debts which were comprised under the IInd and Vth Articles of that of 1800, whose amount, it was expressly stipulated, should not exceed 20,000,000 of Livres.

These are the only Articles in those Conventions, which have any reference to the point in question. If the Claim of The United States on Spain, for French Spoliations and Condemnations within her jurisdiction, was satisfied by the Treaties and Conventions between The United States and France, it was by one of these Articles. We will examine first that pretension, as founded on the IInd Article of the Convention of 1800. On a view of that Article, and indeed, of the whole Instrument, we find that it regulates only questions and interests that were depending between The United States and France. A

misunderstanding had unhappily taken place between those Powers, and it was the object of this Convention to adjust it. Not the most distant allusion is made in any Article of the Convention, to Spain or her concerns. Had Spain then been a Party to that misunderstanding, she could not have been benefited by that Convention. The reason is much stronger why she could not, as she was not a Party to it; since, as there was no variance, and there certainly was none, between The United States and Spain, it is more evident, that it could not have been in the contemplation of the Parties to adjust what did not exist. It may be added, that if it had been contemplated to release Spain from any obligation which she owed to The United States, from any just Claim which they had on her, the release would have been complete; it would have extended to every object, especially of the same kind, and settled every ground of difference between them. The fact, however, is admitted by all Parties to be otherwise. It has never been contended by Spain, that the spoliations which were committed by her own People were satisfied by that Convention. Hence, it is clear that Spain was not discharged from the Claim of The United States for French spoliations, committed within her limits, by the IInd Article of the Convention of 1800. It is equally clear, that she was not discharged by the Ist and IInd Articles of the Convention of 1803. It is evident, on a slight view of these last Articles, and indeed of the whole Instrument, that they had no other Debts in contemplation, but those which were made recoverable by the Convention of 1800: that in truth, the Convention of 1803, did no more than provide funds for the payment of the Debts that were due under that of 1800. Thus the Claim of The United States on Spain for these spoliations, was not discharged by this last Convention. Other circumstances prove clearly, not only that this Claim was not discharged, but that a provision or discharge of it by those Conventions, was not even contemplated by the Parties to them. It is very well known, that the Government of The United States never made a demand on that of France, for the payment of these spoliations, that it always claimed the payment of Spain, and her only, considering her only as responsible for them. It is not presumable, that the Parties should intend to provide for a Claim not made, for a Debt not supposed to be due. The conduct of Spain through the whole of this epoch, corresponds with that of the other Powers in this respect. The Minister of The United States at Madrid, pressed the Government of Spain for an Indemnity for that and other Claims. Had it been contemplated by Spain to obtain her discharge through the medium of France, her Ambassador at Paris would have been seen in both those Negotiations, especially that of 1800, and had he succeeded, a provision to that effect, in explicit terms, would have been introduced into that Convention. But nothing of this kind took place. Indeed, the success of such an attempt was

so improbable, that it is not presumable that the idea ever occurred. With the Claims that were in the contemplation of the Parties, and for which France was truly answerable, it was difficult to accomplish an amicable adjustment of their differences. Had these been swelled by the addition of those on Spain, it is probable that the negotiation would have proved abortive. It was not till some years afterwards, that this pretension on the part of Spain was heard of: and then it was founded on a pretext as singular as it was unexpected, that of her being released by a Treaty between The United States and another Power, in which she was not even mentioned. With respect to these Claims having been discharged by the Convention of 1803, it has already been shown, that that Convention could not, by any possible construction, be considered as having any reference to the subject; it may be added, that the funds provided by it, were not only intended for other objects expressly stipulated, but that there is reason to think they are not commensurate with those objects.

As to the pretension that Spain was released from this Claim, by the release made to France of other Claims of a similar nature, it is easy to prove, that it has not the slightest foundation. It has already been shewn, that France was not released from this Claim, because it was never made on her. We shall proceed to show, that it was properly made on Spain, and that she was and is still answerable for it.

It will not be controverted, that it is the duty of every independent State, to observe that the Citizens or Subjects of every other independent State, are secured in their intercourse with it, in the enjoyment of all the rights and privileges to which they are intitled by the Law of Nations, and Treaties with such Power. This principle forms the basis on which the whole system of public Law rests. It is the standard by which every question between independent Powers must be examined, and their respective rights in all cases settled.

It is equally true, that for every violation of those rights on the Citizens or Subjects of one independent State within the jurisdiction of another, the Government of the latter is responsible, whether the same be committed by its own People, or those of another Power. The reason of this rule is obvious. Every Government being sovereign within its own limits, the Subjects of every Foreign Power are regarded there for the time, as its own Subjects, and as such it is responsible for their conduct. While such Government retains its independence, it cannot divest itself of this duty, or the obligation to discharge it. The principle is the same, whether such acts be performed by the private individuals of a Foreign Power, or its public Agents. In the latter case, indeed, the Claim to an Indemnity by the Party injured, on the Government under whose jurisdiction it was re-

ceived, is stronger, since being done under color of public authority, and especially if persevered in, they become the acts of the Government itself. These principles are too well established by Writers on the Law of Nations, to require further illustration.

Hence, it appears clearly, that Spain was answerable for French spoliations committed under her jurisdiction, in the same manner as if they were committed by her own People. To her then the American Government was bound to look for reparation. Whether France was eventually liable or not, it is not material to inquire. Where was the injury rendered? What Government had cognizance of the case? Whose Laws were violated by the proceeding? or by whose Laws was the injury permitted, or, what amounts to the same thing, suffered? By that Government is the reparation due, and by it ought it to be made. If France has actually paid any of those Claims, such payment will, of course, be considered as a discharge. That the suffering Individuals may have applied elsewhere and every where to save themselves from ruin, or rather retrieve themselves from it, is possible; but neither will the course which their distresses may have compelled them to pursue, nor will the fortune of some particular applicants, in case any have succeeded, affect the merits of the present question. It is known, that the sentiments and conduct of the American Government have invariably been the same on it. It has thought, in every stage, that Spain was responsible for those spoliations, and it has uniformly sought the Indemnification of her, and of her alone.

If France was responsible for those Claims, the injuries having proceeded from her Officers and Agents, it was only eventually, in case satisfaction was not obtained of Spain; for, as already shown, having been committed under the jurisdiction of Spain, where she only had authority, the redress was strictly due by her. For injuries committed by a Spaniard to an American Citizen, at Paris, we should not think of making application for redress, to the Government of Spain, nor for like injuries committed at Madrid by a Frenchman, to the Government of France. The application in both cases would be to the Government having jurisdiction of the Territory where the offence was committed, and of course cognizance of the case; to the Government whose Laws were offended, and who had the power of redress. If France was eventually answerable to us for those Claims, which we deny, we admit that she was released from them, by the Convention of 1800. But can Spain, who was answerable primarily, if not solely, to whom application had been made, to whom it was then, and has since been made, claim an exemption from them, under a Treaty to which she was not a Party, and in which her name was not even mentioned? We are of opinion, by the uniform and well-established doctrine of the Law of Nations, by the clearest principles of justice, that she cannot.

With respect to the opinions which you have been pleased to communicate to us, of the Minister of Foreign Relations and the late Ambassador of France, on this subject, we have received them with the consideration which is due to the very respectable authority from which they emanate. We are not willing to believe that they oppugn the principle above laid down, or apply to those cases which are justly chargeable on Spain, because our Government, for the reasons above stated, and by the clearest conviction, thinks otherwise. On all Treaties between independent Powers, each Party has a right to form its own opinion. Every Nation is the guardian of its own honor and rights, and the Emperor is too sensible of what is due to his own glory, and entertains too high a respect for The United States, to wish them to abandon a just sense of what is due to their own. We do not believe that the view which our Government takes of this subject, was ever presented to that of France, since we are not aware that there ever was an occasion for it. By those Treaties with His Imperial Majesty, all differences between The United States and France were happily terminated, and the relations of the 2 Countries placed on a footing of permanent friendship. In all questions growing out of them, in which France and The United States are interested, their Governments are perfectly of accord. We should regret if they were not so in the present case, as indeed in all others between The United States and Spain.

As to the doctrine held by certain respectable Professional Characters in The United States, whose opinions have been asked and given in this case, that France and Spain were associate parties in the injuries complained of, the former as principal, and the latter as accessory, we are sorry to be called on to make any remark on it. Delicacy for those Gentlemen, makes this an unpleasant duty. From that motive we will confine what we have to say to the doctrine itself. We will admit that we have not made up our minds to a censure of their conduct, since if such an interference is justifiable under any Government, it certainly is so under that where it is their happy destiny to dwell. In noticing their opinion, we have to observe that they have evidently mistaken the case, by applying to Nations a maxim of local municipal law, which is applicable only to Individuals. Among Nations it is believed that there is no such thing as principal and accessory. All are principals, and are to be regarded as such, in all their transactions. In case of a War to which there are several parties, Allies on each side, nothing is more common than for one to make its peace, and withdraw from it. It was never contended that an adjustment made by one Party, in such a case, or any other, settled the differences of the other Party. The doctrine of principal and accessory, of a release or discharge to one Power, by virtue of an accommodation with another, was never heard of among them. Indeed it would be strange if any

one Nation should undertake to adjust the concerns of another, without its authority. It would be more so, if any adjustment between 2 Parties, should be so construed as to produce an important benefit to a third, not only without its authority, but the knowledge of any one of them. Suppose that an adjustment made by one of the Parties for a third one should be highly detrimental to it,—would such Party be bound by it? Had France, for example, stipulated that Spain should pay for all those spoliations, and a great proportion of her own, would Spain have allowed her right to do so? Ought she then, or has she a right, to claim any advantage from a transaction to which she was not a Party, by which she could not be bound, and which in its nature could not be reciprocal?

With respect to the plea on which the opinion of those Gentlemen is in part founded, that Spain was not in a situation to prevent those violations of her Territory by France, and is, therefore, not accountable to The United States for the injuries resulting from them, we find ourselves precluded, by the high respect which we entertain for His Catholic Majesty, from dwelling on it. We shall be permitted, however, to observe, that we utterly deny the fact. Spain was never placed in that dilemma. Having, from very remote antiquity, held a very distinguished rank among the Powers of Europe, she still enjoys it. In her late War with France nothing occurred which placed her in the condition of a conquered Nation. Her Troops behaved with gallantry in the field, and her Government obtained an equal and honorable peace. If then she did not prevent those violations of her Territory, it was not because she was not able to do it, but because they were sanctioned by some Treaty which secured her, in other respects, an equivalent; or that she chose to permit them, from some motive of policy at the time; in either of which cases she is responsible to The United States for the same.

We have thus answered fully the arguments urged by your Excellency, against the Claim of The United States on Spain, to an indemnity for the spoliations on their commerce by the Cruizers and Tribunals of France, within the Territory of Spain, in the course of the last War, and we are persuaded, shown in the clearest manner, that that Claim is well founded. We should have gone more fully into this point in our former Notes, had we not believed that it was already fully illustrated by the Communications which had taken place on it, between our Governments, in The United States and here; to which we beg leave to refer, and a note of which Letters is here annexed. We have, however, been happy, at your Excellency's suggestion, to review the subject, being very solicitous to prove, on all occasions, that our Government makes no Claim which is not founded in justice, and being likewise so, to avail ourselves of every suitable opportunity to give new proofs of its

respect for, and desire to preserve, the most friendly relations with His Catholic Majesty.

On the point respecting the suppression of the *Deposite* at New Orleans, we regret that it is altogether impossible to assent to the doctrine which is insisted on by your Excellency. On a careful perusal of the Treaty, we find in it nothing which justifies the idea, that there ever was to have been a moment of interruption in the enjoyment of that right, either at New Orleans, or at some other suitable place on the banks of the Mississippi. It is not, it is true, stipulated, that in suppressing the existing *Deposite*, and opening another, the Government of Spain should give notice of the design, and hold communication with that of The United States on the subject. On the other hand it may also be said, with equal truth, that it is not stipulated, in taking that measure, that that friendly proceeding should not be observed; but that His Majesty may do it, and keep the *Deposite* altogether suppressed, till the Government of The United States should make application for the opening of it. In all such cases the policy of the measure, the object of the Treaty, and the intention of the Parties, are to govern in the interpretation of it; and by these it appears to us to be unquestionable, that another *Deposite* ought to have been opened, at the moment the existing one was closed. It is on that principle, that The United States consider themselves entitled to an indemnity for the injury which was sustained by that measure. What the precise amount of that injury may be, it is not in our power to state; from what we have understood, however, it is by no means of the trifling nature your Excellency seems to suppose it. We have not sought as an Indemnity for it, any precise sum: we have only proposed that it should be referred to the judgment of impartial Arbitrators, on such proof as might be presented before them, to estimate it; a Proposition which we deemed too just and reasonable to admit of objection.

On the subject of Limits, and others incident to it; having already stated to your Excellency, the views of our Government, we deem it necessary only to refer again to our former Communications. As Neighbors, desirous of living together in peace and friendship, it is certainly an object of essential importance, to adjust and arrange these very interesting points at this time, in a clear, definite, and satisfactory manner. At an epoch so extraordinary, and big with such important events, it may be productive of much harm to leave any thing unfinished, and thereby exposed to casualty. In cases of unsettled boundary especially, where the pretensions of the Parties differ, and those of either may be carried, under colorable pretexts, to great height, there is always danger, by delay, of their becoming the cause of serious controversies, and even of destructive Wars. Aware

of this danger, the President of The United States is sincerely desirous of averting the evil incident to it, while it is practicable. It is with that view that he has sought, by the present Negotiation, to settle amicably and finally, all the points depending between the 2 Nations. The Propositions which we have had the honor to make on this point, are deemed reasonable and just, and we flatter ourselves that they will be so considered by His Majesty's Government.

We have now the honor to submit to your Excellency, again, the full view of our Government, on all the points depending between The United States and Spain, and in so doing, consider it our duty to repeat what we stated in our former Notes, that it is equally incompatible with justice, as it is with our Instructions, to enter into any arrangement relative to Claims for spoliations, which does not provide, in some equitable and satisfactory mode, for the whole. To reserve a right, in respect to those which were committed by French Cruizers and Tribunals, without making any provision for it, could, at this stage, be considered in no other light than an abandonment of it. We have forbore to state in detail, the extent of these injuries, comprising in the whole, 272 Vessels and Cargoes, or the aggravated circumstances attending many of them, which have involved in ruin many of our most respectable and wealthy Citizens, because it has been our object rather to heal than to open wounds. It is well known that at the time these injuries were rendered to our Citizens, there did not exist on the part of Spain the slightest cause of complaint against The United States, whose Government, peaceable and friendly, has borne them with a patience and moderation, of which history furnishes no example in equal degree. Many years have elapsed since these injuries were received, during which time, the sufferers have looked to their Government for reparation without effect. Their last hope is founded on this Negotiation, and great would their astonishment and disappoint be, if they were told that more than one-half of them were to be abandoned. We repeat, however, what we took the liberty to state, in our Letter of the 12th instant, that if it is possible, on being possessed of His Majesty's sentiments and propositions on the whole subject, to provide, by a general arrangement, for this, and the other objects, in any mode consistent with our duty, which may be satisfactory to him, that we shall be happy to do it. We beg, &c.

CHARLES PINCKNEY.

JAMES MONROE.

H. E. Don Pedro Cevallos.

No. 17.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*

(Translation.)

GENTLEMEN,

Aranjuez, 28th February, 1805.

I HAVE received your esteemed Note of the 26th instant, in which you reply to mine of the 16th; and before I make the observations

necessary in answer to the same, it appears to me indispensable to satisfy, by a separate Letter, the complaints of your Excellencies on the tone and expressions of my said Note. The King, my Master, being animated by the most sincere sentiments of friendship and distinguished consideration towards The United States, your Excellencies will be pleased to do justice to these sentiments of His Majesty, and to mine, as being persuaded that I, who have the honor to be the interpreter of them, could have had no design, nor the most remote idea, I do not say to injure, but even to be wanting in those manifestations of consideration and respect for The United States, and their Government, to which they are so justly entitled. Commencing with this declaration, your Excellencies will permit me to examine the different expressions of my Letter of the 16th, which have given rise to your complaints. Your Excellencies say, in the first place, that, on my part, I impute to you a refusal to discuss some of the controverted points. But if your Excellencies will take the trouble to read my Note a second time, I hope you will acknowledge that I am far from imputing any thing on that subject, and that I only wished to say on it, that while your Excellencies believe it useless, or incompatible with your Instructions, to continue the discussion upon the indemnifications reclaimed for injuries committed by the French Privateers, as I understood by the expressions of your Excellencies, "*it seems useless to prolong the discussions on this point,*" I found myself obliged to treat the subject less extensively than I thought I could, not to molest your Excellencies too much on it. I am far from supposing this could involve the smallest disrespect, as it is only reducing it to a difference of opinion; your Excellencies believing that the point was sufficiently discussed, and I, that it wanted to be a little more so. In the second place, your Excellencies show yourselves displeased, that I have expressed that the Claim of your Government for satisfaction for French spoliations, should go to demand 2 satisfactions for the same Debt, which expression, your Excellencies believe injurious to your Government: but your Excellencies will permit me to observe, that to demand 2 satisfactions for the same thing, would be dishonorable of the American Government, knowing itself already satisfied by France, should it still demand satisfaction of Spain; but as your Government does not believe itself satisfied by France, it cannot be dishonorable to pursue its demand of satisfaction of Spain, while it continues in the belief that it has not received satisfaction of France. Spain, on her part, believes, she has shown that The United States have received satisfaction from France, and it is in this belief she may say, that The United States claim 2 satisfactions for the same debt; more she cannot say, nor have I said, or meant to say, that they claim it with improper desigus, knowing they demand 2 satisfactions, or that they believe they demand more than 1, in which there is no-

thing dishonorable, although The United States might be mistaken, as Spain believes they are, and founds her belief in reasons which I have already explained to your Excellencies, and thinking on this occasion, in exact conformity with the opinion of the most enlightened Jurists of your Excellencies' Country.

In the 3rd place, your Excellencies complain, that I have denounced in my Note, many of The United States, as Contrabandists; on which your Excellencies will permit me to observe, that I do not find any thing of this in my Letter, in positive terms, but in doubtful ones, as the expression denotes, *it will not be extraordinary*; a doubt to which the representations of those employed in the Royal Revenue have given rise, whose truth I do not pretend to guarantee, nor does the doubt fall upon many of the Citizens of The United States, but upon some very small number of them, as they very often use much in this sense, although there have been but 1 or 2 cases. I do not see the injury that can arise to the American Nation, in expressing a doubt that there may have been some Individuals concerned in contraband, or giving pretexts to Spaniards to do so, nor have I either attempted to discriminate between the two.

In the 4th place, your Excellencies complain, that I have said that some of the Americans, carried away by party spirit, have calumniated Spain on account of the Deposit at New Orleans, and have disfigured what has happened in the Capital; and your Excellencies suppose that I designed likewise, in a manner, to attribute this to the American Nation, the whole of whom, you say had but one opinion on the subject of the Deposit. On this point I cannot do less than feel myself hurt at the construction which is given to my expressions: in my Letter I cannot find a single expression which can have the most remote allusion on the subject, either to the American Nation or its Government: it treats only of some Individuals, and so far from making the least reflection on the conduct of the American Nation and its Government, during the suspension of the Deposit; on the contrary, I have afforded many proofs of the satisfaction the conduct of the American Government has given on that occasion; notwithstanding, it is not less certain what I have said, that there were some Individuals, especially some Writers, who published things on that subject, injurious and calumniating to Spain, and the result of which was that some of the Inhabitants of the Western States, (as was not extraordinary,) not knowing the truth of facts, suspended the shipping their products to New Orleans, and suffered other injuries, not imputable to Spain. In the first days of the suspension of the Deposit, it was published by some North American, that the Navigation of the Mississippi was obstructed: this was a falsehood whose currency was injurious to the good faith of the Spanish Government which had stipulated for the free Navigation of the said River, and at

the same time was prejudicial to the Inhabitants of the Western States, who, remaining in this uncertainty, did not choose to undertake a voyage of such length while there was danger of the outlet being interrupted. Afterwards they said, and it was repeated in the writings and speeches of some Individuals, that the suspension of the Deposit, and what they might expect respecting the Navigation, flowed from France's having influenced Spain to take upon herself the odium of this measure, that France might receive Louisiana free from the obligations imposed by the Treaty of 1795, than which there could be no expressions more calumniating and unjust; it being an indubitable fact that in the Treaty of Retrocession of Louisiana, of 1st October, 1800, His Majesty had taken the most scrupulous care to secure the rights of The United States, in the Clause of Article IIIrd, which says, "telle qu'elle doit être d'après les Traités passés subséquentement entre l'Espagne et d'autres Etats." As to what respected the enthusiastic Partisans of whom I spoke in my Note, your Excellencies will permit me to remind you, that I alluded to the attempts of some of the Inhabitants of the Western States, who (as the public papers then announced,) showed a disposition and design to descend to Louisiana with an armed Force, and, without other legitimate authority, to take justice into their own hands; on which occasion there now exist in the Office of the Secretary of State in The United States, the representations that His Majesty's Minister made to have such attempts chastised and corrected. These are the attempts to which I alluded in my Note of the 16th, and on no account to the conduct of the American Government and Nation, which was prudent and just. But can it be denied that the consequence of these errors thus published, and which were that some or many of the peaceable Inhabitants did not carry their produce to New Orleans, are not to be, nor cannot be attributed to the act of the Intendant, but to the occurrence which took place in the said Country? There is nothing either in my Note, which has reference to the liberty or otherwise of the Press, or to the Institutions of the American Government, which, as your Excellencies well observe, every Government is free to regulate as it pleases: but I only insinuated that the writings published with this motive, gave to the Western Inhabitants a wrong idea of what passed in New Orleans, and that this was not imputable to Spain, or to the Edict of the Intendant.

This and this only is all which I wished to say in my Note of the 16th, in which I am extremely sensible that, contrary to my intention, your Excellencies have found motives for complaint. To remove which, it appeared to me proper immediately to enter into this explanation, which although somewhat diffuse, will I hope have answered the end I intended. It appeared to me proper to do this in a sepa-

rate Letter, reserving to myself to answer with all possible despatch and brevity, the other points contained in your Excellencies' esteemed Letter of the 16th.

In the interim I renew, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 18.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

GENTLEMEN,

Aranjuez, 4th March, 1805.

IMMEDIATELY after I received your esteemed favor of the 26th past, I believed it my duty not to lose a moment in replying to the complaints you had been pleased to make on some of the expressions in my Note of the 16th, it not being consistent with my sentiments to let your Excellencies remain for a moment in the suspicion that I was wanting in any degree in the respect due to The United States or its Government; or to Persons so respectable as your Excellencies, not only in your individual capacities but as representing the Government you do. I flatter myself I have removed, by my Note of the 28th ultimo, all motives for those complaints, but if any doubt should still remain on that subject, I am equally ready to satisfy it, should your Excellencies be pleased to express it.

This done, I proceed to examine the other points contained in your Note abovementioned, of the 26th.

It is certain that in my first Letter of the 31st January, I did not enter upon the points in dispute between the 2 Governments, but it appears to me in the same Note I gave the reasons of my proceedings on this occasion. The object of that Note was to show to your Excellencies, that to my belief it was somewhat premature to begin to examine projects of a Convention upon all the points, without analysing them first, and fixing the right of each Country as far as possible; because, as your Excellencies well know, before we can proceed to a Convention upon the whole, it is necessary to know as distinctly as we can, what are the rights and obligations of His Majesty and The United States. This knowledge of the detail ought to be the beginning of the Negotiation; because it is clear that, according to the extent which they suppose the rights or obligations of each Party ought to have, so ought the Convention for the whole to be the more or less enlarged. This is what I believe your Excellencies wished to remark in your 1st Note, by the following expressions: "each of the depending Points between the 2 Governments ought to be examined impartially, and all motives of complaint and inquietude considered and terminated amicably, to do which it is necessary to determine the respective rights, &c." Understanding it thus in my 1st Note, I did nothing more than enumerate the points on which it appeared to me we had to fix our respective rights, and to request your Excellencies'

opinion as to the order in which they should be treated. In my 2nd, of the 10th ultimo, I spoke of the reclamations for injuries committed by the Individuals of both Nations, and told your Excellencies that His Majesty was disposed then to terminate this point; and at the same time spoke, but not extensively, of the damages committed by French Privateers. In my 3rd Note, of the 16th, not to molest your Excellencies too much, I touched shortly on the same subject, and treated of the Damages occasioned by the suspension of the Deposit; and lastly, under date of the 24th, I commenced the examination of the Limits of Louisiana, with those which relate to the Eastern Boundary.

In the context of all those Letters together, and of that which I promise to transmit, respecting the Western Limits of Louisiana, I hope your Excellencies will see I have not omitted entering upon all the points contained in your esteemed Notes, only with the difference alluded to from the beginning, that it appeared to me most proper and clear to treat each point separately, according to its different nature.

It is true, that to the present time, I have not been able to say to your Excellencies, as you wish, what is the disposition of His Majesty upon the whole, but the reason is, as I have thought from the beginning, that it is not possible for His Majesty to determine what part he will adopt upon the whole, without being clear what are his rights, or what his objections on each particular point. This examination being made, your Excellencies ought not to doubt, that His Majesty will be ready to enter upon such Convention as shall be judged proper to conclude the Claims, and promote the interest of both Parties. The King wishes to give proofs of his friendship and good neighborhood to The United States, and to fix them in the most permanent manner.

Having said this, and proceeding in the order of the Notes which have passed between us, I must stop to remark a little on the reflections which your Excellencies have made, as to the assertion that Spain is persuaded The United States are satisfied for the damages occasioned by the French Cruizers in her Ports and on her Coasts. Your Excellencies wish to know by which of the Conventions which have been made between France and The United States, Spain believes these damages have been satisfied. I answer, by that of 1800, and by the context of its Ratification. In speaking of the 2nd Convention, it is only as your Excellencies yourselves say on this subject, an explanation or compliance with the 1st, or, to go to the point at once, one of the reasons which convinces Spain and induces her to believe she is not responsible for the damages occasioned by the French Cruizers in her Ports and on her Coasts, is, that it is notorious that The United States have agreed with France to consider themselves as

satisfied for all the damages they have received from her (France) during the last War.

It is true, in the Convention, no mention was made, of Spain; because, in the manner in which they treated, it was absolutely superfluous to do so, and the High Contracting Parties considering it so, omitted, without doubt, to mention that which, by the nature of things, could not be less than a necessary and inevitable consequence of what they stipulated. Nothing is more common in Law, than that an act between 2 Parties may be, by its nature, and even independent of the will of the Contracting Parties, general to a third. For example: if a Creditor releases a Debtor what he owes, this act between the 2, is general to the security of the Debtor, who, by the nature of things, remains released, although no mention is made of him, and what is more, although both Creditor and Debtor have wished that he should not be released, because, by the nature of things, it is impossible the security should remain, when the principal obligation has disappeared. In the same point of view ought to be considered the obligation of Spain, if ever there did exist any from her to The United States, with respect to the damages committed within her jurisdiction by French Privateers. France was the offender, and of consequence, the obligation and the act or agreement which released France, extinguished the obligation which was one and indivisible, as justly observe the learned Gentlemen of Philadelphia. The release of this Claim supposes the same thing as the receipt of satisfaction, and no other can be demanded without requiring two satisfactions for the same offence, which are the identical words of the said learned Gentlemen (from whose Answer I took them, when I inserted them in my Note of the 16th); and as the same Gentlemen observe, if the Power, A, (that is Spain) was yet responsible, and paid to B (The United States), Spain could then apply to France to be reimbursed, as she was the offender, and France would not gain any thing by the release of The United States, which would become by this indirect mode null; and as it is evident every legitimate act ought to carry with itself every thing that is necessary for its validity, it is undoubted that the Convention between The United States and France, ought to be general to Spain, as much as is necessary for its validity, that is, absolving her from her responsibility, if she had any; because, on the contrary, by The United States reclaiming against Spain, and Spain against France, the latter would, by this indirect mode, have at last to pay for the damages occasioned by her Privateers.

Your Excellencies knowing well the force of this reasoning, attempt now to establish that Spain is the Principal obliged for the said damages; that her obligation is not accessory, as presume the Learned Gentlemen of Philadelphia, who, you say, have confounded the case, applying the maxims of Municipal Law to Nations, among which there

is no such thing known as Principal and Accessary, and finally, your Excellencies deny that France can be responsible for the damages committed by her Privateers on the Coasts and in the Ports of Spain, and admit that at the most it can only be eventually so. But I cannot, for my part, conceive how these assertions can be supported. In the first place, I am persuaded that the principles of universal justice, on which those learned Gentlemen have founded their opinion, is as applicable to Nations as to Individuals. Nations as well as Individuals are bound by them. If an Individual releases a Debtor, nothing can be demanded of the security; so if a Nation confesses itself satisfied for a Claim it had against another, the same cannot be repeated against a third, although she bore a part in the responsibility. The reason of this is not a principle of Municipal Law, as you say, but an eternal and imprescriptible principle of universal justice, which is, that 2 satisfactions cannot be demanded for the same Debt. Your Excellencies say, that among Nations they know nothing of such thing as principal and accessorial obligations; but I do not agree to this. Among Nations, as among Individuals, they may have accessorial obligations by mutual agreement, and also by the nature of things; since if 2 Nations agree in an act from which results responsibility, for example, an injury or spoliation, it is indispensable that the responsibility and the obligation shall be proportioned to the intervention each Party had in it; that which committed the injury shall be first responsible; that which did not avoid it, when she could and might, shall have less responsibility, having had less to do in committing the act; and this second responsibility may be called accessorial, or eventual, if your Excellencies prefer that term; in which I observe that if your Excellencies acknowledge the possibility that there might be eventual obligations between Nations, I do not know how you can refuse to admit the possibility of accessorial obligations, as to my judgment it is the same idea, but only expressed by different words. But in the present case, if we were even to suppose that Spain and France were not, the first accessary, and the second principal, but associated and both being principals, it will come to the same thing; the obligation having disappeared by the payment of France, Spain remains released, as the obligation was one and indivisible.

Your Excellencies will say that in the case on which we treat, Spain was the principal, and not only so, but the only one bound; but to me it is inconceivable how Spain can, in any manner, be considered as the only one bound; because it is not possible to imagine how France, who was not at War with The United States, could seize, condemn, and appropriate American Property, without incurring some responsibility on her part. It would be a case never seen or heard of, and which combats all principles, and is contrary to common sense. We will see, at least, if Spain can be said to be the principal obliged.

It is evident that the obligation which an offender has to repair his offence, and the right the offended has to demand reparation, arise in the same moment that the offence is committed. Let us apply this principle to what has occurred with respect to French Cruizers and the American Vessels. Spain was in alliance with France, and the 2 in War with Great Britain. Of consequence the French had a right to arm Privateers, and the Government of Spain to permit them to arm within her Ports. They armed against the Subjects of Great Britain, but when they went out, they committed infractions and violated the rights of other Nations, and these are things which, in reality, the Government of Spain neither could foresee nor check. It results from this, that these offences existed and might exist before Spain knew any thing of it, and that of consequence the right of satisfaction existed before she had knowledge of the fact, and existed against the aggressor, which, without doubt, constitutes the principal obligation. When Spain might, if at all, with more propriety be considered as accessory, was, after her knowledge of the offence: but, in reality, she ought not even then to be considered as such, because the injury terminated and was completed by the definitive Sentence which took place in the Tribunals of France, in which they efficaciously and finally decided the sale of American Vessels. In proof that the Americans who were injured considered this subject under this aspect, we find the Tribunal of Cassation full of the Demands of the interested in Vessels taken within the jurisdiction of Spain, and that these applications are supported, as I am informed, by the Officers of the American Agents in France; and, when they pleased, it is evident, that The United States, not being at War with France, always had the door open to commence their Reclamations against her. This circumstance, in the present case, constitutes a most essential difference; 1st, because the Offender, not being at War with The United States, could not be less than the first, if not the only one responsible for the illegitimate act: 2ndly, because The United States had the door open to make the demands of the Government of France, and thus had direct communication with the Offender, which could not have been the case if War was declared; and 3rdly, that Spain, not considering The United States as at War with France, could not foresee the excesses that Corsairs, armed in her Ports against England, might commit against American Citizens, nor less avoid the definitive Sentences of the Tribunals of France, which completed the offence. Besides, it is well known, that among civilized Nations it is customary to demand from Privateers, a Bond or Security, that they shall not cruize except against the Enemies of the State; and as this Bond or Securityship could not exist but in France, it is a proof that it is there they ought to go to seek the responsibility; that is, in France; and The United States having renounced this, or being satisfied for these damages, nothing can be de-

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manded of Spain. If upon this point there could remain any doubt, the positive affirmation of the Government of France, that they are satisfied, is sufficient to make it vanish. The Government of France ought to know, without doubt, what were the offences she satisfied, by the Convention of 1800, and it is not credible she would venture to say it was concluded, without a strong and intimate persuasion and conviction it was so, and which comes with great force from a 3rd Power, who does not find herself immediately interested in the present discussion, as are Spain and The United States. On the other hand, the affirmation of France is of the greatest importance, to establish the rights of Spain in this case; because if we suppose, for a moment, that Spain did pay to The United States the damages arising from the spoliations of the French Privateers, there is not the least doubt she would immediately apply to France to be reimbursed, but she would, in reply, very justly refuse the reimbursement, saying that Spain had done wrong to make the payment, as France had previously communicated to her that The United States had been satisfied.

I have not attempted to avail myself of the argument, as your Excellencies seem to suppose, that Spain could not prevent the injuries committed against the American Vessels, although it was, in a great degree, the case, because it was not possible to prevent injuries of which we had no knowledge, such as the French Privateers committed, which were armed in our Ports against the English; my defence is founded in the assertion, that the said damages are already satisfied by France, and so did the learned Gentlemen of Philadelphia understand it, when in their argument they say: "But even leaving impossibilities out of the question, and admitting that the Power A. could have prevented the injury which was committed by the Power C., *but refused or neglected* to do it, we are of opinion that if the Power B. has released the same injury to Power C., in that case the Power A. is no longer liable to any responsibility in damages, on account of its acquiescence."

I have insisted principally on this method of defence, because, founding it in an act clear and notorious, and of the most easy examination, it appeared to me the most convenient to repel a claim which Spain could oppose with many other reasons and arguments.

It is not demonstrable that a Nation is obliged to satisfy the damages and injuries committed on her Coasts, by the Subjects of other Powers, and cases without number might be cited to the contrary among Civilized Nations. Denmark had her Ports open during the last War to the Belligerent Powers, and Condemnations of Prizes were made in them, without there being, on this account, any responsibility demanded of her. Many other Neutral Powers suffered during the same War, various damages from the French Cruizers, on the Coasts,

and in the Ports of Spain, without having demanded any other thing of Spain, than to interpose her good offices, and co-operate in obtaining redress for the injury. Spain, when she has been injured, has not demanded such indemnification, and has only demanded that the Government, whose Flag or Coasts have been violated, should pass efficacious offices for the reparation of the offence. This, and this is all to which Spain obliged herself by the VIth Article of the Treaty with The United States, in which, after offering defence and protection, reciprocally, for the Vessels of both Countries, within the extent of their respective jurisdictions, it says, that in case of offences of the nature of which we treat, each Power in whose jurisdiction it is committed, shall employ all its efforts to recover, and have restored to its lawful owners, the Vessels or effects which have been taken within the extent of its jurisdiction ; from which it results that the only thing which it can be pretended Spain has obliged herself to, is to employ all her efforts to recover, and have restored, the Vessels and effects so taken, but in no degree does there exist any obligation in her to make reparation, should such efforts not produce the desired effect ; because, if it had been the intention of the High Contracting Parties to do this, it would have been expressly stipulated. As on account of this Article, your Excellencies pretend to be persuaded that Spain is the only one responsible for the excesses of the French Privateers, I could not omit observing that the obligation of the Power which has to restore, could not but be greater and more principal, than that whose obligation only is reduced to the making efforts that they might be restored ; and that France being in the first case, and Spain in the second, it cannot but follow that the principal obligation rests on the first, and only that of accessory on the second.

Proceeding now to the damage occasioned by the suspension of the Deposit at New Orleans, I will endeavor also to answer, with the utmost brevity possible, your Excellencies' remarks, in your esteemed Note. In the first place, your Excellencies will permit me to declare, that I see, with regret, that in what I said in mine, of the 16th, as to the Deposit at New Orleans being a generous and gratuitous concession of His Majesty, and in other parts of my Letter, I did not explain myself as I wished. Your Excellencies understood that I wished to say that the Deposit, not only in the Capital, but on any other point on the Banks of the Mississippi, was a charitable donation of His Majesty, revocable at his pleasure, either before or after the 3 years fixed for its being at New Orleans, and that it might remain revoked until The United States implored His Majesty anew to restore it. It is not honorable to me that such assertions should be attributed to me. I said, and it was my intention to say, that in its origin, the right of the Deposit granted to The United States, in New Orleans, flowed from a wish in His Majesty to grant it generously, and

oblige himself to maintain it there for 3 years, as a convenience to The United States. Nothing is more common than for a Nation to impose on itself an obligation, gratuitously, in favor of another, without more interest than the satisfaction of having done it a useful service, without injury to itself. After the making of the stipulations and conclusion of the Treaty of 1795, there was no doubt an obligation to maintain and comply with it; but in the case of the Deposit, there are 2 things essentially distinct, which ought to be considered; the Deposit in New Orleans, and the indefinite Deposit in some other place on the Banks of the Mississippi. The 3 years being over, and injury arising to the Royal Revenue, from the continuance of the Deposit of New Orleans, to have continued it there notwithstanding, cannot be considered less than as a favor of the King, my Master, because no obligation existed on his part to do so; and if The United States had desired that the Deposit in New Orleans should have continued in a manner not precarious, but established and obligatory, it was necessary to have a new stipulation, because His Majesty was not obliged to do so. At present, as to what regarded the right of Deposit in the other place, The United States did not require a new stipulation, because they had it by the Treaty; but as the new place was not established in the Treaty, it is clear The United States had to ask the fixing of it, on the spot which they thought convenient; or the 2 Governments had to understand each other in the establishing it; for as it was to be fixed to the satisfaction of the American Government, Spain could not do it alone, or without their saying what were the qualities it ought to have to answer their ends. The difficulty is not in this which is in itself simple, but it is in examining its situation, after the end of the 3 years, in the Capital, and the other 4 in which His Majesty generously continued it, he being under no obligation to suffer the inconveniences which were encountered in the said 4 years; and the question now is, whether he could or not suspend the Deposit in New Orleans, before agreeing with the Parties concerned on the fixing another; or, in other words, if after the conclusion of the 3 years of the Deposit at New Orleans, the King was obliged to suffer the inconvenience of its continuation until they could enter into a Convention or agreement respecting another place; or further, if The United States could, in rigorous justice, be made to suffer the intervening inconveniences of the suspension, for the time necessary for the 2 Governments to agree upon the fixing it. The Treaty says nothing of this, and I hope I have shown, that good neighborhood and friendship should have permitted, for a short time, the inconvenience of the Deposit in New Orleans, before proceeding to suspend it, and for this reason, His Majesty revoked the Edict of the Intendant; but, speaking of what in rigorous justice can be supposed to be due to the solicitude of being indemnified for the same, I am of

opinion, that as the Treaty said nothing about it, His Majesty was not obliged to continue the Deposit at New Orleans, nor to suffer its inconveniences; although he was bound to consent to its establishment in another place, on which His Majesty could not determine alone, it being necessary it should be fixed equally to the satisfaction of The United States. I repeat, it is not my intention to approve the conduct of the Intendant, nor to diminish the rights of The United States under the Treaty, but to examine points unsettled in it, and to deduce from thence, whether Spain was or was not liable for the Indemnifications arising out of the suspension of the Deposit at New Orleans; an examination which may, in my opinion, have been excused, from the short existence of the injuries which might be considered as really attributable to the Edict of the Intendant.

In the interim, I renew, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 19.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 8th March, 1806.

WE have now the honor to answer your Excellency's esteemed Note of the 26th ult., respecting the Eastern Limits of Louisiana, the receipt of which has been already acknowledged.

We are happy to find that we shall not differ as to the material facts on which the question depends, to wit: that France held Louisiana prior to the Treaty of 1763, to an extent eastwardly to the Perdido, comprising in it the greater part of West Florida; that she ceded it, by that Treaty, to Great Britain, who, in 1783, ceded it to Spain, Spain having possessed herself of it by her Arms, in the course of that War; that the Treaties referred to in that of St. Ildefonso, whereby Spain ceded Louisiana to France, as having passed subsequently between Spain and other Powers, are, that of 1783, between Great Britain and Spain, whereby the former ceded to the latter that portion of Louisiana, called by her West Florida, and that between The United States and Spain in 1796: none others were made by Spain relative to that object; they, therefore, only could be referred to. We admit also that they were referred to by a real and sufficient motive.

We are also happy to find that we shall not differ in opinion on the principles of the Law of Nations, or the rules by which Treaties are to be construed under them, especially the following, to wit: that Treaties must not have an odious or absurd construction when it is possible to give them a plain and simple one: that the intention of the Parties to a Treaty, is to be collected from the whole Article: that each Clause is to be taken into view, and the import of the whole collected from that of each Clause; and that no part is to be supposed superfluous to which a rational meaning can be given.

We should be happy if we could agree in the application of these facts and principles to the point in question. We draw, however, from them, by the clearest evidence and most satisfactory reasoning, a conclusion, that under the Treaty between The United States and France of 1803, which is founded on that of St. Ildefonso between Spain and France in 1800, West Florida was comprised in the cession of Louisiana to The United States. Your Excellency is, it appears, of a contrary opinion.

Before we proceed to the inquiry, and to answer your Excellency's Note, we think proper to premise, that it would have been more agreeable to The United States to have obtained the cession of that Province of France by a strict definition of its Boundaries, since in that case, they would have known distinctly what they had acquired, and avoided the necessity of a discussion with Spain. But as these had not been traced between France and Spain, it was impossible to give such a definition. It was, therefore, agreed, that France should cede to The United States precisely what she had acquired of Spain, and, that the extent of that acquisition might be known, that the IIIrd Article of the Treaty of St. Ildefonso, between France and Spain, should be inserted in that of Paris between The United States and France. Thus, that Article, and it alone, became the extent of the right which The United States had thus acquired. There is nothing in the Treaty, nor did any thing occur in the Negotiation, to detract from its just and rational import. The United States were at liberty, as France would have been, had the Cession not been made, to examine under it, the extent of their rights, and in so doing, to appeal to those facts and principles, which, in the estimation of the enlightened and impartial world, ought to govern in the case. It is by this investigation, that the Government of The United States has formed its opinion of their rights, and it is from a regard to justice, and motives of respect to His Catholic Majesty, that they are now made the subject of amicable discussion with his Government. Having made these remarks, we proceed in the proposed inquiry.

We observe that your Excellency relies much in support of the pretensions of Spain, in the point in question, on the import of the term "retrocede," which is found in the Treaty; that you consider it as going far to decide the question in her favor. We cannot but express our surprise, that such reliance, or indeed, that any, should be put on a term vague and equivocal at best, which it is easy to show neither has nor was intended to have any influence in the question. If it were of any importance to analyze that term, it might be contended, that as France once possessed that Province, a cession of it back to her, by any Power who had obtained it of a third, was a retrocession of it. By ceding it back to France, the former proprietor, it would, in respect to her be a retrocession, although not one acre

of it had been received of her by the Power making it. And it is very likely, under such circumstances, that such would have been the Title of the Treaty, or the phraseology of the Article applicable to the subject. In the present case, all the Territory which was ceded back to France, had belonged to her before; 19-20ths of it, supposing West Florida to be a part, had been previously ceded by her to Spain, and that a 20th part had been ceded by her to another Power to accommodate Spain, of whom Spain had obtained it. Was it not natural then when Spain ceded back this Territory to France, that the term *retrocession* should be made use of? Had it been the object and studious endeavor of the Parties to characterize, in the Treaty, the former proprietorship and transactions respecting this Territory, and no more could have been intended, it is not known how, even with the import annexed to the term by your Excellency, a more suitable or just one could have been adopted for the purpose. But as already observed, this term is of no real importance in the case, nor was it intended to have any by the Parties, in the sense alluded to, as is perfectly evident by the other parts of the Article. We find in it 3 distinct members, or Clauses, which were introduced for the express purpose of explaining what was intended to be done. By these is fully and accurately defined, what proportion of that Province should be transferred to France, and what other proportion of it should be exempted from the operation of the Treaty. If it had been intended that the term "*retrocede*" should be understood in the sense insisted on by your Excellency, it is presumable that none others would have been used, since, not being necessary to illustrate, they could only serve to obscure and perplex. The introduction therefore of other Clauses, plainly proves, that the term was not to be relied on as expounding the object of the Parties, but that those Clauses were to do it. It will not be denied, that although the title of the Treaty might be what it is said to be, and the term "*retrocede*" introduced in every page, and although Spain had never received 1 acre of the Territory from France, that she might, nevertheless, by suitable operative Clauses, convey and transfer to France all that portion of Louisiana which she possessed, if she was so disposed. It is by the operative Clauses of every Treaty, and of every Article in each, that their meaning is expounded. It is to them that we must respectively refer in the present instance, for the intention of the Parties in that of St. Ildefonso, and the extent of the rights of The United States acquired under it.

By the 1st Clause of the IIIrd Article of the Treaty of St. Ildefonso Spain cedes to France the Province of Louisiana "such as it is in the hands of Spain." It is to be observed, that the reference here made to that Province, was in its integral state, that is while in the possession of France, and of course prior to the Cession made of it by her in

1763, as will be more fully seen by the next Clause. The simple question then on this Clause, is, what portion of Louisiana was in the hands of Spain, when the Treaty of St. Ildefonso was formed? All that portion, be it what it might, was clearly and positively comprised in the Cession, and transferred to France. All that portion, be it what it might, not in the hands of Spain, was as clearly and positively excluded from it. This is the plain and obvious import of the Clause; indeed it admits of none other; by adhering to which every thing of an absurd and odious tendency is avoided, simplicity in the construction is preserved, and what is of equal importance, the integrity and fair intentions of the Parties are manifested. All that portion of Louisiana, according to its ancient limits, which lies eastward of the Mississippi, from the 31° of north latitude to the northern limits of The United States, had been ceded by the Treaty of 1763 to Great Britain, to which France, Spain, and Portugal, were Parties; and afterwards confirmed by her to The United States at the close of the War of their Revolution in 1783, to which France, by her Treaty with those States in 1778, had already renewed her special sanction, as did Spain afterwards by her Treaty in 1795, with the addition of the right of Deposit at New Orleans. It would, therefore, have been highly improper in the Parties to the Treaty of St. Ildefonso, to have formed it in such a manner, as to have admitted the Cession to have applied, by any possible construction, to any part of that Territory, or rights belonging to it. Accordingly, we find by the clear and obvious import of the Article, that such a construction is altogether and absolutely precluded, and by terms the most suitable and judicious that could have been selected. We find also, that the Article is equally clear and explicit as to the portion of the Province which it was intended to cede. By ceding that portion, and that only, which was in her hands, Spain did what she had a right to do, and no more, of which a very distinct idea was conveyed in both respects. She excepted from the Cession all the Territory above described, which of right ought to have been excepted. She comprised in it all that she had a right to cede, including, of course, as being her property, and in her hands, West Florida.

In the 2nd Clause the Cession is further explained and confirmed, in the following terms: "such as it was when France possessed it;" by which a clear and explicit reference is made to the Province at a period preceding the Treaty of 1763, when France possessed the whole. This Clause would of course have been understood to have comprised the whole, had no part been specially excepted from the Cession. But we have already seen, that by the operation of the 1st Clause, all that portion of the Province, according to its ancient limits, as known before the Treaty of 1763, now belonging to The United States, was clearly excepted from it. In every other respect,

however, its operation is uncontrolled. It certainly comprises all that part which was then in the possession of Spain, from whatever Power, or by whatever means obtained. By referring to it at an epoch anterior to the Treaty of 1763, that is, when France possessed it, it was obviously the intention of the Parties to reject all idea of subsequent divisions, modifications, or appellations, by either of the Powers who were since possessed of it. It was well known that Great Britain had called that portion which was ceded to her by the Treaty of 1763, West Florida, and it was probable, that Spain might have called some other portion of it, adjoining Mexico, by some other name. Hence, it was possible, if by any construction an allusion to the Province had been admitted, at any period after 1763, that these distinctions and terms might have created some embarrassment in the meaning. To avoid that danger, it was deemed advisable to go back to an anterior epoch, and thereby put them entirely out of the question. This Clause then shows still more clearly, that it was the intention of the Parties to include West Florida in the Cession, since, by taking them together, and giving to each and both their just construction, it is impossible to mistake their meaning. By the first, all that portion of Louisiana, which was in the hands of Spain was transferred to France; but as it was possible, for the reasons just mentioned, that doubts might arise whether West Florida was comprised in the Cession, by this it is expressly declared, that no part of the Province in the hands of Spain, which France had ever possessed, should be exempted from it.

By the 3rd Clause of the Article, the Cession of the Province is declared to be in an extent "such as it ought to be after the Treaties passed subsequently between Spain and other Powers." The Treaties referred to here, are that between Great Britain and Spain in 1783, whereby West Florida was ceded to the latter, and that between Spain and The United States in 1795, whereby the Boundary adopted in their Treaty with Great Britain, with the right to the free navigation of the Mississippi, and Deposit at New Orleans, were established. What then is the effect of this 3rd Clause? To us, nothing can be more simple or intelligible. We will first examine it in reference to the 1st Treaty, which alone creates the difficulty. By that, Spain became possessed of a portion of the Province of Louisiana, which she had not acquired of France, by means whereof such addition is brought within the scope of the 2 first Clauses already noticed, and is transferred by them to France. It is brought within the scope of the 1st, because "it is in the hands of Spain." It is brought within the scope of the 2nd, because it is a part of the Province "such as it was when France possessed it." And by the terms of the last or 3rd Clause, it is expressly designated as a portion of the Territory which it was intended to cede by that Treaty to France. If we

examine impartially the import of these terms, we shall find that it is impossible to give them any other rational interpretation in reference to this object. The terms are, "such as it ought to be after the Treaties passed subsequently between Spain and other Powers." This portion having been a part of the Province when France possessed it, and being now by the Treaty of 1783, vested in the hands of the same Power who held every other part, not expressly excepted from it, as belonging to, and secured to, The United States, by many Treaties, as already stated, ought to be considered as a part of it again. Had Spain possessed and ceded that portion of Louisiana to Great Britain by the Treaty of 1783, or at any time before that of St. Ildefonso, this Clause would have exempted it from the Cession, as would both the others. Being out of the possession of Spain those Clauses could not have operated on it, and being ceded by Spain to another Power, in a Treaty passed subsequently, that is, after 1763, the Cession would have been sanctioned by this Clause. But Spain did not cede that Territory to Great Britain; on the contrary, she acquired it of her, and it is inconceivable to us how that acquisition, which brought it into her possession, and subjected it to the control of the 2 first Clauses, should be supposed to have exempted it from such controul; how a Treaty which enlarged the limits of the Province in her hands, without producing any other effect, should be construed as lessening the extent of the Cession. The reference made by this Clause to the Treaty of 1783, must be considered as intended to produce an effect in the present one, correspondent with the spirit of that of 1783. It would be strange indeed, if it counteracted that spirit, and produced an opposite effect. And in judging of the effect which it was thus intended to produce, not only the spirit of that Treaty is to be regarded, but this Clause must be construed in connexion with the preceding ones, so as to give them their just effect also. It is a well known rule in the construction of Treaties, "that the interpretation ought to be made in such a manner, that all the parts appear consonant to each other; that what follows agree with what went before, at least if it does not manifestly appear, that by the last Clauses something was changed that went before." If we apply this rule to the present case, the conclusion is unavoidable; since by the construction we contend for, all the Clauses have their just import, are consonant to each other, unite in the same object, and produce the same effect, which is to show that it was the intention of the Parties to comprise West Florida in the Cession.

With respect to the effect of this Clause on the other Treaty referred to in it, to wit: that of 1795 between The United States and Spain, it is obvious that it was the intention of the Parties to secure to those States, in the hands of the new Proprietor, the rights which they had acquired on that Territory by that Treaty. It was, it is true,

impossible for those Parties, or any others, in a Treaty between them, to destroy the rights of a 3rd one. It was, nevertheless, very proper and honorable in them to insert a provision in this for the security of those rights.

Having thus examined carefully and impartially the IIIrd Article of the Treaty of St. Ildefonso, under which France ceded to The United States the Province of Louisiana, and, as we presume, proved incontestably by a just construction of several Clauses, that West Florida was a part of the Cession, we will now proceed to notice some of the other remarks of your Excellency, which merit a more particular attention.

Your Excellency observes, that as the Territory in question, to wit: that lying between the River Iberville and the Perdido, was called by Great Britain West Florida, after it was ceded to her by the Treaty of 1763, and as that name had been preserved to it by His Catholic Majesty in the title to his Governor at The Havanna, since it came into the hands of Spain, that it cannot be considered as comprised in the Cession to France, by the Treaty of St. Ildefonso. But we have already shown, and we presume satisfactorily, that that objection is altogether unfounded, supposing the fact as thus stated to be correct in both cases; though it is proper to observe, that we had understood that the Territory in question had been governed as a part of Louisiana after the Treaty of 1763. Be that, however, as it may, it is proved by referring to Louisiana, at a period when it was possessed by France, to characterize the Cession made, that it was an essential object of the 2 first Clauses to get rid of that objection, and that they have done so as effectually as if that division or name had never existed. It was also observed, that any construction of those Clauses which should comprise West Florida within the Cession, might, with equal propriety, be considered as applicable to all that portion of Louisiana which lies within the limits of The United States. We cannot perceive on what principle this remark is founded, since, as the facts are different, there is certainly no analogy in the cases. To support the doctrine, it ought to be shown that West Florida is not in the possession of Spain, but of The United States or some other Power. We have shown, by a fair construction of the Clauses, that it is by virtue of that portion of the Province, being in the possession of Spain, that it was comprised in the Cession to France; and by virtue of the other portion of it, that is, what belongs to The United States, being out of the possession of Spain, that it was excluded from that Cession.

Your Excellency observes also, that if it had been the intention of the Parties to include West Florida in the Cession, it would have been easy to have expressed it. We do not know that it would have been possible to have expressed it in a more clear manner than is

done; we are satisfied that other terms, more comprehensive and guarded, in reference to all the objects which it was proper the Parties should have in view, more intelligible, less free from objection, and, at the same time, so concise, could not have been found. With strict propriety may we say, that if it had been the intention of the Parties to exclude West Florida from the Cession, that it was very easy to have done it, and that the means were obvious, since it was only necessary to have stated that Spain ceded to France that portion of Louisiana only which she had received from her. Had that been done there would have been no occasion for the subsequent Clauses, especially the 2 first, to explain the meaning of the Parties and define the extent of the Cession. We might add, that if the case admitted of any doubt, which, however, we deny, for in our judgment there never was a clearer one taken into consideration, that from the nature of the transaction, that doubt ought to operate against Spain, since it is a well established doctrine of the Law of Nations, in the construction of Treaties, that in all cases of Grants or Cessions, "if the Party making them fails to explain himself clearly and plainly it is the worse for him: he cannot be allowed to introduce subsequent restrictions which he has not expressed." We do not, however, think that the present case admits of any doubt.

We cannot suppose that the French Prefect, M. Lauzat, had any Instructions from his Government by what limits he was to receive the Province of Louisiana from the Officers of Spain, or that he had its orders to surrender it to The United States by any of a definite nature. This opinion is founded on the Treaty between The United States and France, by which the Cession was made to those States, and in which no limits were defined, for the reasons stated in the commencement of this Note. We entertain, as already observed, a very high respect for His Imperial Majesty, and we can never believe that he would, by any act of his, be willing to invalidate any of the rights which The United States had acquired under that Treaty.

With respect to the opinion entertained by Mr. Ellicott, on this point, we have only to observe, that although we believe him to be a good Astronomer and Geographer, we are far from considering him in the light of an able Civilian. It is presumed that he ran the line between The United States and Spain correctly, in the case alluded to, and that his Charts may also be correct; but we doubt whether he ever read with attention either of the Treaties on which the present question depends, or would be an able expounder of them, if he had. In making his Book, which, it appears, he had completed before he was acquainted with the Cession of Louisiana to the United States, or with the nature of that made by Spain to France, which was then for the first time known, it was natural that he should consult the old Maps of the Country, and regard the divisions that were made of it,

prior to that epoch, especially in conformity to the Treaty of 1763. Under such circumstances, and in consideration that this question depends on Treaties, your Excellency will, we presume, see the evident impropriety of paying that deference to Mr. Ellicott's opinion, which you have been disposed to allow it.

We have read with much attention your Excellency's Note of the 4th, on the subject of French Spoliations, committed within the limits of Spain, and are sorry to find that the opinions which we respectively entertain on it, are as remote from an accord as they were in the commencement. We have read, with equal attention, your remarks on that of the suppression of the Deposit at New Orleans, in which you do not seem to assent to the ideas which we deemed justly applicable, and thought it our duty to express, relative to that interesting and unexpected occurrence. Having said all that we have to observe on those points in our former Notes, and having communicated fully our sentiments in this, as in that first presented, respecting the Eastern limits of Louisiana, it remains that we should now proceed to the last topic depending between us, to wit: the Western limits of that Province. Having already had the honor to present our view of the rights of The United States on that point also, we shall be happy to be favored with that of your Excellency on the same.

We avail ourselves of this occasion to observe, that we received with much pleasure your Excellency's Note of the 28th ult. in reply to our remarks on that of the 16th, the purport of which was further confirmed in that of the 4th inst., since it gives us the very satisfactory assurance, that it was not your intention, by any expressions in that Note, to convey the unfavorable sentiments in regard to our Government and Country which we had supposed it did. It was with much reluctance that we communicated to your Excellency the impression which that Note made on us, which we certainly should not have done, had we not believed that it would have produced a similar one on our Government, on whom, we were persuaded, it was neither your wish or intention to produce it. The frank and honorable explanation which you have given us in that respect, is a full confirmation of what we had anticipated on that head, and an ample assurance, that whatever may be the result of the business entrusted to us, we shall carry with us the sentiments of that high consideration and respect for your character which it justly merits.

We beg your Excellency to accept, &c.

H. E. Don Pedro Cevallos.

CHARLES PINCKNEY.
JAMES MONROE.

No. 20.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*
(Translation.)

GENTLEMEN,

Aranjuez, 14th March, 1806.

I HAVE received your esteemed Letter of the 8th, in which you are pleased to answer mine of the 24th past, relative to the limits of Louisiana, and I cannot do less than immediately reply to it.

I agree at once with your Excellencies, that Treaties ought not to receive odious and absurd interpretations which are capable of clear and simple ones, and that the intention of the Parties ought to be collected from the whole context, and from each Article. From these principles, and this mode of examination of the IIIrd Article of the Treaty of St. Ildefonso, I deduce consequences from the same, very different from those which your Excellencies have done.

Your Excellencies believe to be of very little importance to the decision of the present question, the word "*retrocede*" or "*retrocession*," which is the title of the Treaty of St. Ildefonso, and is found in the said IIIrd Article; and suppose it is a term vague and equivocal, which has no influence in the question, and that if it had been important to analyze it, it might be easily made to appear that, with the expression "*retrocede*," it also intended to denote that West Florida, or a part of it, ought to return to France, although she had not ceded it to Spain. For my part, I cannot but be surprised your Excellencies should consider vague and indeterminate an expression which serves to denominate the Treaty, whose title, literally copied, is as follows: "*Traité Préliminaire et Secret entre la République Française et S. M. C. touchant l'agrandissement de S. A. R. Le Duc de Parme en Italie et la rétrocession de la Louisiane*," and which governs the whole proceeding, and is conspicuous in all the Clauses of the IIIrd Article of the said Treaty. On a single reading of this Article, there is no one but must know, that according to grammatical order, and the common use of language and words, the words "*to engage to retrocede*," is the principal action of it; and this principal intention is conspicuous through all the context and Clauses of the Article, and that although the following expressions may modify it, they can in no degree contradict it, without giving to the whole an absurd meaning, and as repugnant to common sense as to the most simple rules of grammar and the art of writing; nor can it be said, without discredit to the Contracting Parties, that they should avail themselves of an expression vague and equivocal, and use it exactly in the most important Article, and upon one of the most interesting objects of the Treaty; and that, with a view to find such vague expression, they should select the one *retrocede*, having at hand the one *cede*, which, followed by other explicit Clauses that might have been inserted, would have explained with facility and precision the return of Louisiana to its former owner, and the Cession of West Florida, if such

had been the intention. But it was, no doubt, the intention of the Parties that the expression *retrocede*, which has given name to the Treaty and serves to express the principal design of the IIIrd Article, should be marked with all the exactness and grammatical rigour possible; nor is it susceptible of doubt that the expression "*retrocede*," in its obvious and grammatical sense, means to cede to one what it has received from it. Your Excellencies ought not, therefore, to think it extraordinary that I have believed, and do believe, that this expression is of the greatest consequence to the decision of the present question. The force it carries with it makes us see at once with what exactness and simplicity the other parts of the Article quadrate with it. If we set out from the beginning to give to the expression "*retrocede*" a meaning which it has not, it will not be extraordinary if we find some embarrassment and difficulty to decypher the said Article: it says, in the 1st place, that it retrocedes Louisiana "*avec la même étendue qu'elle a entre les mains d'Espagne;*" but this expression, in the mode in which your Excellencies construe it, appears absurd and contradictory. It is indubitable that Spain possesses West Florida, as Florida, and not as Louisiana; and this act, founded on an authenticity the most notorious, is marked in the Treaty of 1783 and 1796, in a manner which cannot be contradicted or admit of a doubt: consequently, Louisiana "*avec la même étendue*" which it had in the hands of Spain, is without West Florida, and to suppose that the Cession could have comprehended this Province, it was impossible to suppose it could be Louisiana, with the same extent, without incurring a palpable contradiction. Your Excellencies know the force of this difficulty, and wish to explain the 1st Clause by the 2nd, which says, "*et qu'elle avoit lorsque la France la possédoit;*" but, I ask, has the 2nd Clause a fixed epoch, which determines the time when France had it? Certainly not. Then the want of this fixed epoch alludes to the last time when France had it; that is, when she delivered it to Spain; an explanation the more convenient, as in any other manner it will be contradictory with the 1st, which says, "*avec la même étendue qu'elle a entre les mains d'Espagne*"—if it was with more, it could not be with the same: it is more natural that a Clause which has a fixed epoch, as the 1st has, should serve to clear up the sense of the 2nd, which has no epoch or extent fixed, than that we should give so much force to the doubtful epoch of the 2nd Clause, as to make it destroy the clear and marked meaning of the expression "*retrocede*" in the 1st Clause, "*avec la même étendue.*" Admitting the explanation of your Excellencies, the 2nd Clause is in contradiction with the 1st; admitting mine, both explain and combine simply, and prove that Spain delivered Louisiana to France with the same extent that it had in her hands in 1800, and as France possessed it when she delivered it to Spain;

but as neither in the one or the other epoch West Florida made a part of Louisiana, the 2 Clauses perfectly unite with each other, and both with the principal action, *retrocede*, which governs all the Clauses of the Article.

The 3rd Clause, which your Excellencies suppose can also be brought as a proof that West Florida is included in the retrocession of Louisiana made to France, is, to my understanding a new proof of the contrary. It says, "et telle qu'elle doit être d'après les Traités passés entre l'Espagne et d'autres Puissances." It is impossible to make any thing clearer, than that the Treaty did not alter any thing in the Treaties which Spain had made with other Powers on this subject. There were 2, one of 1795, with The United States, and 1 with England, in 1783, by which Spain had acquired the Territories to the Eastward of the Mississippi, not as Louisiana, but as Florida; and consequently to be as it ought to be after this Treaty was with the exclusion of a Territory possessed by England, as West Florida, conquered by Spain as West Florida, and acquired irrevocably as West Florida, by the Treaty of 1783, and received, in each of these solemn Acts, a new qualification of its total separation from Louisiana, and of the limits which separate them.

Your Excellencies contend, that the Treaty of 1783, was a new incorporation of the said Territory of Louisiana, but I do not see in the said Treaty of 1783, anything but a confirmation of the right of conquest which His Majesty's arms had made of an English Province called West Florida. The Cession which France had made to England of the said Territory, had been an alienation, perfect, irrevocable and perpetual. The Territory became an English Possession, and afterwards a Spanish one. That Spain on the other side, and by other titles should have acquired Louisiana, and that the 2 Territories should return to be united in the one hand in which they were before united, does not import, nor can it import a legal incorporation of them; because their titles and times of acquisition were different. Spain had no Louisiana, but what she received from France, and it was undoubtedly Florida she received from England.

It is not conceivable or imaginable how the Cession of a Province or Territory, could occur without mentioning or naming it, or that it could be made only by designating it with a name, which by the consent and notice of all the Nations concerned, and the most authentic Public Acts, it had lost many years ago. This Territory was called West Florida, and was so called authentically, and by this name, the Contracting Parties would have called it, had they imagined it was comprehended in the Cession, as it is an acknowledged principle that the Territories they change or cede, ought to be designated by the names they then officially have; nor can it be said, that by its entrance into the possession of Spain, it returned to its ancient state and name :

because all the Public Acts since its entrance into the possession of Spain, from the Treaty of 1783, inclusive, have confirmed its separation from Louisiana, and its difference of name springing from the difference of its title of acquisition; after a separation so qualified, it was only an express and positive Stipulation that could reunite it to Louisiana in its Retrocession. Your Excellencies have attempted in your Note to persuade me that the Treaty of 1783, reunited West Florida to Louisiana anew, attributing it to the motive which made France cede to England in 1763, the Territory to the Eastward of the Mississippi; and this motive your Excellencies say, was to favor Spain. But on my part I cannot agree to this. France ceded this Territory because she felt it her interest to do so, or was obliged to do so; but this is of no importance, for be the motive what it may, the Cession cannot be considered less than an effectual, irrevocable and perpetual alienation, with all the consequences which were to make West Florida an English Possession:—being so, Spain could conquer, acquire, and receive it from England, who had this original and just title to it, and this alone is all she requires to make it her property in every sense of the word, and as independent of Louisiana as it was in the hands of England.

It results from this, that the Contracting Parties had no intention to include West Florida in the Treaty of San Ildefonso: this is the more confirmed, if we recollect that France could not do it, nor could she stipulate for the acquisition of any Territory to the Eastward of the Mississippi, without the consent of The United States, as she had obliged herself to this by an express Stipulation, contained in the VIth Article of her Treaty (of 1778) with The United States; by which Article — *Le Roi Très Chrétien renonce à posséder jamais les Bermudes, ni aucune des Parties du Continent de l'Amérique Septentrionale, qui, avant le Traité de Paris de 1763, ou en vertu de ce Traité, ont été reconnues appartenir à la Couronne de la Grande Bretagne.* It is to be seen from this that France could not (if The United States did not consent when she had bound herself by this Treaty) acquire West Florida, which, by the Treaty of 1763, belonged to the Crown of Great Britain. If in the Treaty of San Ildefonso, France had intended or proposed to acquire West Florida, it is clear that she could not do so without the consent of The United States, and that this consent ought to precede all other Stipulations;—on the contrary, if France should have infringed the rights of The United States, which can in no manner be supposed, it would not be decorous to The United States, to give to the Treaty of San Ildefonso an interpretation from which it must result, as a necessary consequence, that France had violated their Treaty with The United States, and that they founded their right to West Florida on this violation.

[1817—18.]

X

The opinion of the Astronomer and Geographer Ellicott, which is so exactly conformable to the ideas I have just stated, and whose concluding expressions I transmitted to you in my Letter of the 24th, is of very great weight and consideration on this subject. I do not suppose it, as your Excellencies do, a question for a Lawyer or Civilian—it is in its whole extent entirely geographical—it only treats of the question, whether the Territory to the East of the Mississippi, at the time of the Retrocession, was Louisiana or West Florida. What Person more proper to give an opinion on this subject than the one who has merited to be employed by The United States in fixing the Limits of the very Territory he treats about? It is dishonoring his talents to say he had not with him the Maps both ancient and modern of the said Territory, and the most authentic Documents respecting it; and using, as he does, the expressions I copied for your Excellencies in my Letter of the 24th ultimo, after he knew of the acquisition of Louisiana by The United States, leaves no doubt that his love of truth and justice forced from him this sincere confession of the incontestable right of Spain to the Territory of West Florida.

But all further reflections are unnecessary upon this subject, when it is considered that the Treaty of San Ildefonso, was a Contract between France and Spain, and that of consequence, on whatever point of it (however it might appear doubtful) on which France and Spain are agreed in their understanding and explanation of it, this uniformity of understanding has as much force as the most explicit and determinate Stipulation, because no one can know as well as the Contracting Parties what the one was to cede and the other to receive. The United States who have succeeded to the right of France, can have no other right or Claim, than that which France supposed she had. France has been, and is now persuaded, that by the Treaty of Retrocession she neither did nor had any intention to acquire West Florida. The Prefect Lauzat, charged to carry the Treaty into effect, instructed perfectly in its contents, and being the depositary of the intention of his Government, was satisfied of the manner in which it was carried into execution, without being put into possession of West Florida: which act leaves no doubt of the manner in which France had understood the Treaty of San Ildefonso should be executed. But if your Excellencies should still consider this as insufficient proof, will you permit me to send you a Copy of a Declaration, the most positive which can be imagined, in which the Government of France declares that it never thought of acquiring Territory to the Eastward of the Mississippi by the Treaty of San Ildefonso, nor less has ceded it, nor could cede it to The United States. The Minister of Foreign Relations of France, has written upon this subject on the 30th of August last, to His Majesty's Ambassador in Paris, and in his Letter are the

following remarkable expressions. "Les limites orientales de la Louisiane sont indiquées par le cours du Mississippi et ensuite par la rivière d'Iberville, le lac Pontchartrain et le lac Maurepas. C'est d cette ligne de démarcation que se termine le Territoire cédé par l'Espagne à la France, en vertu du Traité du 30 Ventose, An 9. La France n'auroit rien demandé à l'Espagne au delà de cette limite; et comme elle n'a fait que substituer les Etats Unis aux droits qu'elle avoit acquis, ils ne peuvent pas exiger de l'Espagne une concession de Territoire plus étendue, à moins que cette concession ne soit négociée et stipulée entre eux et l'Espagne par quelque Convention ultérieure."

These expressions are so determinate and clear as not to permit me to make any further reflections on them, persuaded that the simply reading them is sufficient for the conviction, that as Spain did not think of ceding, nor France of acquiring West Florida by the Treaty of San Ildefonso, it is clear that The United States who have succeeded to the right of France, could not acquire that which she did not suppose to belong to her and which she has declared she did not acquire nor think of acquiring. This point appears to me so little susceptible of doubt, after what I have said and had the honor to say to your Excellencies in my Letter of the 24th ultimo, to whose contents I again refer you, that I am confident the justice and well established good faith of The United States, will acknowledge that they cannot found any right to West Florida, from the Treaty of San Ildefonso.

Concluding this Letter, I cannot but declare my satisfaction to your Excellencies, that I see by Your's of the 8th, you are persuaded of my unalterable sentiments of respect and consideration for The United States, and also of my constant esteem for, and wish to please, your Excellencies, which I now have the honor again to renew, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 21.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 16th March, 1805.

WE had the honor to receive, yesterday, your esteemed Note of the 14th, and are sorry to find that we still continue so distant in our opinions upon the subject of it.

In our last, we gave your Excellency so fully the view which our Government entertains of the right of The United States to West Florida, and are still so firmly persuaded of their undoubted title to the same, that we think it unnecessary to remark further on that point.

All the questions in controversy between us having been discussed at length, and having been favored with your Excellency's opinion on each of them, except the Western Limits of Louisiana, we now take the

liberty to request you to furnish us with the same, in answer to our Communication on that subject.

We beg your Excellency to accept, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

*No. 22.—Messrs. Pinckney and Monroe to Don Pedro Cevallos
Aranjuez, 30th March, 1805.*

THE Undersigned, Ministers Plenipotentiary and Envoys Extraordinary of the United States of America, have the honor to inform his Excellency Don Pedro Cevallos, that the length of time which has elapsed since their last Note to his Excellency, to which no Answer has been given, induces them to suspect that his silence is intended as an intimation of his desire that the Negotiation should cease. They are sorry to add, that the spirit with which the friendly advances and overtures of their Government have been received, would leave no doubt in their minds, on that point, if his Excellency had not given them reason to expect, by his Note of the 4th instant, some propositions on his part for the fair and equitable adjustment of the differences subsisting between their Governments. Having completely fulfilled the orders of the President, in proving by their Communications, and by the time they have attended his Excellency's propositions, the justice and moderation of his views, as well as of his friendly disposition and high respect for His Catholic Majesty, it remains that they should not be unmindful of what they owe to the Government and Country, which they have the honor to represent. It neither comports with the object of the present Mission or its duties, to continue the Negotiation longer than it furnishes a well founded expectation, that the just and friendly policy which produced it on the part of The United States, is cherished with the same views by His Catholic Majesty. Under such circumstances, the Undersigned consider it their duty to request of his Excellency, information whether it is his desire to terminate the Negotiation on the grounds it now rests. In case it is, they think proper, in expressing their regret at the result, to add that they shall not hesitate promptly to comply with it. But if it is still his Excellency's desire to continue the Negotiation, they have to request that he will be so obliging as to give them the sentiments of His Majesty's Government, respecting the Western Limits of Louisiana, and that he will also accompany it with such propositions as he may think proper to make, for the adjustment of the very important and interesting concerns between the 2 Nations.

The Undersigned have the honor, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

No. 23.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

GENTLEMEN,

Aranjuez, 31st March, 1805.

I HAVE received your esteemed favor of yesterday, in which you are pleased to inform me, that the delay of my answering your favor of the 15th, has made you suppose it was perhaps the disposition of this Government to put an end to the Negotiation in its present state. In answer, it is my duty to inform your Excellencies, that it has always been the disposition of this Government to continue, until concluded, a Negotiation which has for its object, a termination of discussions that exist between the 2 Countries, examining first each controverted point, and endeavoring to fix as far as possible the rights of each Country; to begin afterwards the Negotiations that may be convenient to both: that with this view, and according to this plan, we have examined and discussed the greatest part of the said points. There is now remaining to treat only, respecting the Western Limits of Louisiana; on which point I promised to transmit to your Excellencies the opinion of this Government with the greatest despatch possible, as I have already assured you. I am very sorry that my many indispensable avocations, and the attention which a subject of this nature requires, have not yet permitted me to execute it, and that your Excellencies should have interpreted my silence since, as a wish to put an end unseasonably to the Negotiation.

With demonstrations of my sincere respects, I renew, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 24.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

Aranjuez, 9th April, 1805.

THE Undersigned, Ministers Plenipotentiary and Envoys Extraordinary of the United States of America, have the honor to inform His Excellency Don Pedro Cevallos, that they consider his omission to answer their Notes relative to the Western Limits of Louisiana, for so long a term, with his refusal to accept their Propositions of the 28th January, or to propose any others in their stead, for the amicable adjustment of the differences between The United States and Spain, as having evinced the sentiments of His Majesty's Government on that interesting subject in terms too strong to be misunderstood. By refusing to answer Propositions until a discussion was ended, in the mode which his Excellency thought proper to pursue, and declining to bring it to an end, even in that mode, within the term which naturally belonged to it, the indisposition of his Government to such an adjustment, is as strongly declared, as if it was announced to them in form. They think proper to add, that by exacting of them in the commencement, a discussion in that very dilatory mode, they had

even then anticipated unfavorably of the result. To their Propositions, which embraced every object, in a frank and explicit manner, they had expected a correspondent answer. In discharge, however, of the great trust confided to them by their Government, they were resolved to keep in mind, and to fulfil in the best manner they could, all its duties; among which they consider it an important one, not to fail in any circumstance of respect, which was due to His Catholic Majesty or his Ministry. On that principle they entered into the discussion, in the manner proposed by his Excellency, although it was contrary to their inclination, to their judgment of what was proper in such a case, and to what was agreed between them in their first interview. They did so in the presumption that the discussion would be of short duration; that it would not consume more than a few weeks, before they reached its object; and that a conclusion of the Negotiation afterwards, in one mode or other, would require a still shorter time. They well knew that the subject had been long before His Majesty's Government, that every part had been acted on by it, and was of course well understood; they were aware also that the extraordinary Mission which the President had appointed to His Catholic Majesty, had been announced to him, and been some time expected by his Ministry. Under these circumstances, the Undersigned could not doubt that His Catholic Majesty's Government would be prepared to meet that Mission on every point, and to terminate it with the utmost promptitude. What however has been the result, and how has their accommodating spirit been requited? If the first indications were unfavorable, they have been fully confirmed since. The United States will be astonished to learn in what manner the friendly advances, and liberal overtures of their Government have been received! That after exacting from their Ministers a form of discussion which tended unavoidably to delay, His Catholic Majesty's Ministers had ceased at length to discuss at all.

The Undersigned have thought proper to communicate to his Excellency their sentiments of what has passed, with that frankness which the nature of the subject requires, and which is due to the Government and Country they have the honor to represent. In conformity with those sentiments, of the conduct of His Catholic Majesty's Government towards The United States, at a period which, under existing circumstances, is made signal, by the proof which the President has furnished of his strong desire to preserve the relations of friendship between The United States and Spain, it might be expected, that, considering the Negotiation as thereby terminated, as in truth it essentially is, they would take the step which is incident to that state of things, and that Mr. Monroe, retiring from Spain, would repair to his station at London. It is perhaps their duty to take that step at this time. They are however willing to make one further effort to

accomplish the objects of the Mission, and to add a new and solemn proof to those which already exist, that its failure, should such be the case, shall in no respect be attributed to their Government or themselves.

With this view, whose just and friendly character will, they presume, be duly appreciated, the Undersigned have the honor to inform His Excellency, that they shall still remain in Aranjuez a reasonable time, to receive from him such propositions on the part of His Catholic Majesty for the amicable adjustment of all subsisting differences, and other objects of interest, depending between The United States and Spain, as he may think proper to propose. With such propositions, should any be made, they will be happy to receive any illustration of them, which his Excellency may be disposed to give. But it is proper to add, that they consider it incompatible with their duty, to proceed in the discussion of the subject or any part of it, until those propositions which are again invited, are presented to them: that they cannot view his continuing to withhold them, in any other light than as an explicit declaration that the further pursuit of the object of their Mission is unacceptable to His Catholic Majesty. It may indeed be thought, that after having possessed his Excellency with the propositions of their Government, they compromised its character, by proceeding in the discussion in any mode, before they received his in return. To that proceeding they were prompted by a spirit of conciliation, which may justify it to a certain stage. Should they however persist in it, after what has passed, they would forfeit all claim to that apology.

In inviting again propositions of His Catholic Majesty for the amicable adjustment of the points depending between the 2 Nations, the Undersigned have the honor to repeat to his Excellency, the assurance that they will receive them with the high consideration which is justly due to them. The sentiments of the Government of France have been communicated, on two points which grow out of the Treaty between The United States and that Power. The sentiments of one Party to a Treaty, as is well known, cannot affect the rights of the other, in points which arise between the Parties themselves; much less in those which have reference to a third Power unconnected with it; nor ought they to influence its judgment, if the other Party is an independent Power, as The United States are. This principle, which is invariable, is more especially sound in the cases referred to, for the reasons which have been heretofore given. The sentiments however of His Majesty the Emperor of France on those or any other points, in which the United States are interested, especially such as grow out of their Treaties, are entitled to much consideration on their part. The Undersigned have not failed to bestow it on those, which have been communicated to them by his

Excellency, as have been shown by their replies. They shall also be ready to show it, in the Treaty they are desirous of forming with His Catholic Majesty, so far as a due regard to the rights of The United States and their indispensable duty will permit. The propositions which the Undersigned had the honor to present to his Excellency on the 28th January last, which embrace the whole subject, are in their judgment founded, in every particular, in the strictest principles of justice. They are such as the President ordered them to propose ; they are such as he expects that His Catholic Majesty, from his known regard to justice, will not hesitate to adopt. They think proper, however, to add, that in receiving the propositions which His Catholic Majesty may make for the amicable adjustment of those important concerns between the 2 Countries, should any be made, and a difference in opinion appear on any point, they are disposed to do every thing to conciliate an agreement which their Instructions will permit. It is the sincere desire of their Government to adjust amicably, at this time, with His Catholic Majesty, all these high concerns, in a firm belief that the interest of both Countries would be essentially promoted by that result. To accomplish it, the Undersigned will omit nothing on their part, which it is in their power to do.

The Undersigned have the honor to inform his Excellency, that they expect an early Answer to this Communication, and that by it will their future conduct be governed. They consider the Negotiation as essentially terminated by what has already occurred, and if they pursue it, it will be only on the proof of such a disposition on the part of His Catholic Majesty's Government, as shall convince them, not only that all form and delay will be dispensed with, but that there is just cause to conclude that it will terminate to the satisfaction of The United States. Having acquitted themselves, in every particular, to what was due to the just, the pacific, and friendly, policy of their Government, it remains that they should not be unmindful of what they owe to its honor, its character and its rights. If His Catholic Majesty is disposed to adjust these important concerns, by an amicable arrangement between the 2 Powers, on fair and equal terms, it may be easily and speedily done. Each Party knows its rights, its interests, and how much it ought to concede, in a spirit of conciliation, to accomplish the objects of the Negotiation. The Undersigned feel the force of that sentiment, and will not fail to respect it. Should His Catholic Majesty's Government however think proper to invite another issue, on it will the responsibility rest for the consequences. The United States are not unprepared for, or unequal to any crisis which may occur. The energy which they have shown on former occasions, and the firmness of their past career, must prove that in submitting with unexampled patience to the injuries of which they complain, and cherishing with sincerity the relations of friendship with His

Catholic Majesty, no unmanly or unworthy motive has influenced their conduct.

The Undersigned requests, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

No. 25.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*

(Translation.)

GENTLEMEN,

Aranjuez, 9th April, 1805.

IN my Letter of the 21st February, and 14th March, I had the honor to explain to your Excellencies the incontrovertible reasons on which His Majesty founded his right to West Florida. I showed to your Excellencies, among other things, that The United States could not pretend to more right nor to more extent of Territory than France had acquired by the Treaty of St. Ildephonso; and that confessing, as France confessed, that she had not acquired, or thought of acquiring, by the said Treaty, Territory Eastward of the Iberville, neither could she transmit to The United States any right over it.

Besides what I have said in the said Notes, I consider it as indispensable to hand to your Excellencies the adjoined Copy of a Note, which the Minister of Exterior Relations addressed to the Chargé d'Affaires of His Majesty at Paris, under date of the 26th ultimo,* showing in the most positive terms that France neither acquired any Territory to the East of the River Iberville, nor has transmitted any to The United States; which declaration ought in my opinion to remove the most remote idea of doubt upon the subject, as very pointedly observes the Minister of Foreign Relations of France, "*faire connoître les droits que la France avoit acquise, c'est indiquer l'étendue et les limites de ceux qu'elle a transmis au Gouvernement Fédéral.*"

It not being possible, in my opinion, to contradict the evidence of this proof in favor of the rights of His Majesty over West Florida, it will be conformable to the good faith of both Governments, and contribute very much to facilitate the course of the present Negotiation, that it should be considered as established between us, and as indubitable, that The United States have not acquired any right to West Florida. Being about to enter immediately into the examination of the Western limits of Louisiana, it cannot do less than embarrass the course of the discussion, to leave behind and still depending a point which has been proved even to demonstration. The acknowledgment of the right of His Majesty over West Florida, by the American Government, which was not more than an act of rigorous justice on their part, will facilitate and simplify very much the course

* Communicated to Congress 14th March, 1818, in the Correspondence of Don Luis de Onís.

of a Negotiation, which has for its foundation the good faith of both Governments, and their wish to terminate their differences.

I renew to your Excellencies, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

P. S. April 10th. After writing and signing this, I received the esteemed Letter of your Excellencies, of yesterday, to which I will answer as soon as possible.

No. 26.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 12th April, 1805.

WE have the honor to acknowledge the receipt of your Excellency's Note of the 9th, with an Extract of one from the Minister of Foreign Relations of France to the Chargé d'Affaires of Spain, relative to the Eastern Limits of Louisiana.

Having had the honor to inform your Excellency, in our Note of the 9th, that we considered the Negotiation as essentially terminated, by the disposition which His Catholic Majesty's Government had shown, and the part it had acted in it, and that we deemed it incompatible with our duty to proceed in the discussion of the subject, or any part thereof, until we were furnished with His Catholic Majesty's Propositions for the adjustment of the whole business, we have only to refer, in reply to this Communication of your Excellency, to what was stated in that Note, on the most solid reasons. As soon as your Excellency complies with that request, we shall endeavor by all the means in our power, in the sentiment expressed in that Note, to manifest the high respect of The United States for His Majesty, the Emperor of France, and their disposition to conciliate in the Treaty they are desirous of forming with His Catholic Majesty, the mutual interest of both Countries.

We repeat our desire to be furnished as soon as possible with your Excellency's propositions, which have heretofore been so often requested in vain, for the adjustment of all the points that are depending between the 2 Nations. If it is the disposition of His Catholic Majesty's Government to meet in this Negotiation the friendly advances and overtures of The United States, there can be no motive for longer delay. But if the contrary continues to be shown, we shall hasten to withdraw from a situation, which, while it compromises the character of our Government, cannot be agreeable to ourselves.

We beg your Excellency to accept, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

No. 27.—*Don Pedro Cevallos to Messrs. Pinckney and Monroe.*
(Translation.)

GENTLEMEN,

Aranjuez, 13th April, 1805.

COMPLYING with my promise, I proceed to examine in this Letter, the opinions of my Government on the Western Limits of Louisiana, following the plan established from the beginning, proposed by your Excellencies and adopted by me, to examine each of the points depending between us, and determining, as far as possible, our respective rights on each. But before I proceed to the question, I should be wanting in the respect I owe my own Government, to those considerations to which my public character will not permit me to be inattentive, and also to that of which I believe I have not been underserving in my private one, if I did not state to your Excellencies my surprise, at reading your esteemed Letters of the 30th March, and 9th of the present month. It is only 15 days since I had the honor to write to your Excellencies my last Note relative to the Eastern Limits of Louisiana, to which your Excellencies did not find it convenient to answer, except in the general terms, that we did not agree, and that we would pass to the other point of the Western Limits of Louisiana; and on the 30th March, notwithstanding my promise, and my word given, that I would treat the last depending point as I had done the rest, your Excellencies supposed that you ought to state to me, that my silence for those days had induced a belief in you that I intended it as an intimation of my wish to end the Negotiation. On a view of a discussion pursued with so much punctuality and activity on all the controverted points, it appears to me as more natural, not to say more just, that your Excellencies should have believed, that the nature itself of the point I was about to treat, or the indispensable occupations of my Ministry, might have occasioned the delay, than to suspect that I wished to put an end to the Negotiation, thereby breaking my word which I had pledged. My delicacy not permitting me to suffer such a suspicion to remain in the breasts of your Excellencies, I stated in my Letter, of the 31st ultimo, the sensibility which this had caused me, the motives which had prevented my writing more quickly upon the point of the Western Limits of Louisiana, and lastly, I reiterated my promise to do so with all the despatch possible.

Notwithstanding this, your Excellencies have thought proper in your Note of the 9th, to insist upon what you call my omission, and say, that the Ministry of His Majesty intend to cease the discussion entirely, with other assertions to the same effect, which cannot do less than make me feel very much, both as they respect my public and private character.

In answer to all these, I shall confine myself to only stating to

your Excellencies, that the nature of the point itself, which I am about to treat, has been the cause of the small delay which I have had the misfortune to have so unfavourably interpreted by your Excellencies.

The question upon the Western Limits of Louisiana is not a point which can be examined or discussed, upon viewing 1 or 2 Documents, or other Pieces of a kind which may be possessed, at the first view. To treat this point with exactness, it is necessary to examine a collection of Plans and Documents and historical relations, which include a space of more than 150 years.

These Documents are not to be found in the Department under my care; many of them belong to the Department of the Interior, besides those which are in the Viceroyalty of Mexico. It has been necessary to search and examine those which are here, and to give them a certain classification.

It was my intention to form a Memoir, which should comprehend all the most important topics, accompanying them with the necessary Maps and Plans, and handing them to your Excellencies, being anxious to make the opinions of my Government appear with all the exactness, which the nature of the subject would permit; but the manner in which your Excellencies express yourselves, in your said Letters, is a sufficient excuse for me to alter my plan, and reduce it to a few pages, that I may not still lengthen a delay which has given rise to such disagreeable suspicions.

The Western Limits of Louisiana never having been fixed, in the exact manner which can be done in Territories sufficiently peopled, and of small extent, it ought, necessarily, at the time of fixing them, to be the object of a Negotiation, in which both Parties should be agreed, as to the principal Bases, and by a Commission of Limits, which should regulate themselves by those Bases, in fixing the Demarcation.

The principle which ought to serve as a rule for the establishment of the said Bases, cannot be any other than the knowledge of the possession, which each Party had acquired in these Territories, and the different Establishments made by each in the said places, by the Spaniards, in the Province of New Spain, and also those belonging to Louisiana, drawing a line which shall divide the one from the other side, and continuing it by the most natural points of demarcation possible. It results from this principle, that the examination into the above named Limits, is in a great degree historical, as it treats of the fixing the origin of many Spanish Establishments, of the interior Provinces of the French Establishment of Louisiana.

If it had been proper to enter into a detailed examination at present, I would make a succinct historical detail of the Spanish Esta-

establishments in the interior Provinces of New Spain; but not to molest your Excellencies, with details that may be inconvenient at present, I will confine myself to saying something on the Province of Texas, bounding on Louisiana, upon the Demarcation of which depend the present questions. The Province of Texas, where the Spaniards have had Settlements from the 17th Century, bounds by the East with Louisiana, and contains the extensive Country which lies between the river Medina, where ends the Government of Coaquila, to the post now abandoned, of Nuestra Señora del Pilar, of the Adaes, which is distant a few leagues from the Fort of Natchitoches, 20 leagues from the Mission of Ais, 40 from that of Nacogdoches, 150 from the abandoned post of Orquisau, 200 from the Bay of Espiritu Santo, and 40 from the post of St. Antonio de Bejar.

It is beyond all doubt, that in the year 1689, by a Commission from the Viceroy of Mexico, the Marquis de Moncloua, Captain Alonzo de Leon, who was then Governor of the Province of Coaquila, went to examine the Bay of Espiritu Santo, and the River St. Mazers which empties into it, to whom the Indian Chief of Texas presented himself, in the most friendly manner, and in 1690, he took possession of the Territory and founded the Mission of St. Francisco of Texas.

By a Royal Order of His Catholic Majesty, November 12th, 1692, they ordered new discoveries to be made in the said Province, by land and sea, which was, in consequence, then executed, and among other things, they undertook the examination of the River Codachos. 22 years after, the Duke of Linares, being then Viceroy of Mexico, introduced from Louisiana, as far as the Spanish Post of St. Juan Baptista, a Frenchman, Louis St. Denis, and 3 other Frenchmen, from Louisiana, with Passports from the Governor of Louisiana to buy cattle in the Spanish Missions of Texas; which Frenchmen were carried to Mexico, and then the 4th Expedition was resolved upon to Texas, naming as Chief of it the Alferez, Don Domingo Ramon.

The Expedition was received with inexpressible friendship by the Indians; and the Captain, Ramon, named Chief of the said Indian Nations, and also Son to the Governor of Texas, and he left there, founded, the 4 Establishments and Missions of St. Francisco, la Purissima Concepcion, San Josef, and Nuestra Señora de Guadalupe, situated 7 leagues from Natchitoches.

By the Royal Order in 1719, they made various alterations in the Command of the Spaniards employed in the Province of Texas, and a little after died the said Captain Ramon, in the post of St. Juan de Baptista on the river Grande.

War having broken out between Spain and France during the Re-

gency of the Duke of Orleans, the French attacked the Spanish Mission of Adaes, and its Inhabitants were transferred for the moment, to the Post of St. Antonio de Bejar. But the Viceroy of New Spain, the Marquis de Valero, accepted the generous and honorable proposal which the Marquis St. Michael de Aguago, made, offering his purse and person to dislodge the French of what they had unjustly seized and occupied, and to make War upon them.

On being named Governor General of the new Philippines, or Province of Texas, and of new Estremadura, the Marquis of Aguago raised 500 Dragoons and 2 Companies of Cavalry, and undertook his march for the Province of Texas in 1719, and without opposition arrived at the Adaes, the French having returned to the post Natchitoches.

The King of Spain being informed of this expedition, and the recovery of the Province of Texas, determined to fortify it, and that all hostilities should be suspended against the French.

The Marquis de Aguago re-established the other Missions, and founded other Establishments, among them the posts of Nuestra Señora del Pilar de los Adaes, that of Loreto on the Bay of Espiritu Santo, that of Dolores which is now known by the name of Orquisau, and improved the situation of St. Antonio de Bejar, by placing the Establishment between the Rivers of St. Antonio and St. Pedro. The Province of Texas being thus at peace and re-established and increased, the Marquis of Aguago solicited the re-union there, of 200 Tlascalcan families, and as many from Galicia, in Spain, and the Canaries, and with some of these families, the King having agreed that 400 families should go from the Canaries, they peopled the Village of St. Fernando close to the post of Bejar.

At the end of the year 1730, the Spaniards undertook several Expeditions from the post of Bejar towards the north of the said Province, on account of a disagreement with the Indians. In 1758, the Indians made an attack from the northern part on the post of St. Saba, and killed some Soldiers and Priests, on which account a detachment was ordered against the said Indians, under the command of Colonel Don Diego Ortiz de Parilla.

A little after, it was determined to organize a general and uniform establishment of posts, to cover the interior Provinces of New Spain, and they ultimately gave a Commission to the Marquis de Rubi to go and revisit and examine their state; and the result of this Commission, which it appeared lasted some years, was, that on the 10th September, 1772, the regulation of posts had so extended itself as to establish a cordon of them from the Coast of Señora to the Bay of Mexico, where was situated the Bay of Spiritu Santo, there being then in the Province of Texas, those of St. Antonio de Bejar and that of the Bay of

Spiritu Santo, having neglected that of *Orquisau* and that of *Nuestra Señora de los Adaes*, which were no longer useful, as Spain was then the mistress of Louisiana.

From this simple and short explanation of those notorious and authentic facts, to prove the truth of which, we find the most incontestable Documents, supported by uninterrupted possession, results evidently the antient and exclusive right which the Spaniards have to the Province of Texas; that the possession of the Province of Texas was acknowledged and respected by the French while they possessed Louisiana, and that the said Province is belonging, and has always belonged, to His Majesty.

That Claim must be extremely illusory and unfounded which shall attempt to carry the Western Limits of Louisiana to the Rio Bravo, including therein great part of the interior Provinces of New Spain, acquired and established at the cost of the treasures of Spain, and the blood of her Subjects, as has been proved to demonstration in the case of Texas, and can be strengthened, more and more, by a continued series of events and proofs relative to the said Province of Texas, and others of the interior Provinces of New Spain, and also the acts and dates now existing respecting this subject. There are also many Despatches, Maps, and Documents respecting this question, to be found in the Viceroyalty of Mexico, which is the principal centre of authority for all these Provinces. On my part, I have read with the greatest attention, the Memoir on the Limits of Louisiana, which your Excellencies enclosed me in your Note of the 28th January, anxious to see, if any thing could be found to support or give a color to the claim of The United States to carry their Limits to the Rio Bravo; but the said Memoir goes principally to treat of the Establishment of Louisiana. I only find that your Excellencies support the claim, first in a gratuitous supposition that the Coast belonged to France, a supposition which is contradicted by the most positive acts and dates above-mentioned, by which it is proved that the Province of Texas, and its Coast, are belonging to the Dominions of His Majesty. And in the second place, in the general terms of the Patent granted by Louis the XIVth, in September, 1712, in favor of Anthony Crozat, granting him the exclusive commerce of the Country of Louisiana, whose extent was, as your Excellencies understand it, with all the waters which, directly or indirectly, discharge themselves into the Mississippi and the Countries which they water. It would be very easy to make it appear that the most exaggerated claims of France never had the extent which your Excellencies wish to give to Louisiana on this side; but even if they should have had such claims, or France should positively have tried to include, under the name of Louisiana, the Territories which His Catholic Majesty possessed, what right or claim could be founded in a Document which Spain never has recognized, nor does

recognize, and which never could prejudice, in any manner, her acquired rights? The Answer of Spain, on this occasion, is as simple as just:—that if Louis the XIVth, or the Government of France, exceeded its power in granting Territories, or rights over Territories, which were not their own, or which Spain claimed possession of, or property in, that grant ought to be considered as null, as far as it extended over these Territories, and that it flowed, without doubt, from the total ignorance which prevailed in those days, with respect to the geography of the Territories situated at a little distance to the West of the Mississippi, and of the Establishments of the Spaniards in those parts. More ancient, and proved by repeated acts of possession, than the aforesaid Patent of Louis the XIV, is the Royal Order of the 12th November, 1692, already cited, by which His Catholic Majesty ordered them to make new expeditions to the Texas; and the same are the other authentic acts and Establishments of the Spaniards in that quarter. The Limits between Louisiana and the Texas have been always known, even when the French possessed Louisiana. Near the beginning of the last century, the venerable Margel, of the Order of St. Francisco, founded, in the Province of Texas, towards the confines of Louisiana, different Missions, among them, that of Nacogdoches; and a few years after he wrote, and it was generally known in the writings of those times, that the Province of Texas or New Philippines had its Boundaries about the middle of the Gulf of Mexico to Poncenes, the Rio Grande to the West, and to the East Louisiana. Depending on Louisiana, we find upon the River Colorado, which discharges into the Mississippi, the post of Natchitoches, which the French took from Spain. But at 7 leagues from this you find the aforementioned post of Nuestra Señora de los Adaes belonging to the Province of Texas, and it is undoubted that the Baron de Ripperda, being Governor General of this Province, and successor of Don Angel de Manos, appears to have made Treaties and Conventions with the Indians of the same Province of Texas, stipulating that the Spaniards might make among them such Establishments as they pleased, acknowledging from that time as depending on the Province of Texas, the Indians, Stysses, Naugdoches, Asinaes, Nabadacues, Vidais, Orquisaus Malayes, Ocuanes, Tancaques and Apaches. To the year 1770, there always was in the Fort of the Adaes, from the time of its establishment, a competent number of Spanish Soldiers, and the same in that of Orquisaro and St. Saba, and it was not until the year 1773, that the Lieutenant Don Josef Gonzales, evacuated the post of Adaes, whose Garrison was no longer necessary, as Spain possessed Louisiana.

It follows, therefore, that the Boundary between the Provinces of Texas and Louisiana, ought to be by a line, which, beginning at the Gulf of Mexico, between the Rivers Carecut or Cascasiu, and the Armenta or Marmentoa, should go to the North, passing between the

Adaes and Natchitoches, until it cuts the Red River; and, as from this point the Limits which ought to be established on the Northern side are doubtful and little known, it appears indispensable to refer them to the prudent investigation of Commissioners, to be named by both Parties, in order that they, viewing the Territory, and having with them the Documents and Dates that will be given them, rectifying what ought to be rectified, and furnishing the necessary light to both Governments, upon Limits which have never been fixed or determined with exactness, may be thus enabled to fix the Demarcation completely conformable to the wishes of both.

With these ideas, the Government of Spain, ever since it had definitively fixed the Retrocession of Louisiana to France, named a Commissioner of Limits, destined to complete this important object jointly with the Commissioners France might think proper to name on her part. In the same manner, it appears to me indispensable to do this now, if the Demarcation is to be made with the necessary exactness, and that The United States naming on their part a Commissioner of Limits, they should proceed by common accord, and make upon the Territory the investigation which may be necessary. It is more than a year that the Brigadier General the Marquis de Casa Calvo, and the Engineer Don Josef Martinez, have, with a sufficient number of Persons to form the said Commission, on the part of His Catholic Majesty, been waiting in New Orleans the arrival of the Commissioners of The United States, to begin their labors. It is only after the researches and investigation of the Commissioners of both Parties, furnished with such Instructions as may be proper, that we can pursue the exact demarcation of Limits, which, never before having been fixed with the requisite exactness, cannot now be determined upon with prudence, but upon a view of the Territory, and having present the Dates and Documents necessary to illustrate the subject. Although upon this point of the Western Limits of Louisiana, I could have extended myself much more in detail, and accompanied my illustration with Maps and Documents, my wish to answer your—Excellencies on this point with promptitude, prevented me; I, however, reserve to myself the power of doing so hereafter, should it be necessary. I hope your Excellencies, on viewing what has been urged on this point, will please to state to me your opinions upon this subject, and that you will acknowledge, that as well in it as in the whole course of the Negotiation, I have not deviated a jot from the principle proposed by your Excellencies in your 1st Letter of the 28th January, and adopted by me in that of the 31st of the same month.—“Each of the points depending between the 2 Governments ought to be examined impartially, and all motives of complaint and inquietude, considered and terminated amicably, to do which,” &c.

As I had the honor to state to your Excellencies in my Letter of [1817—18.]

Y

the 5th March, and believe it indispensable to repeat here, on perusing the contents of your Excellencies' Letters, of the 30th March, and 12th April, I cannot but still consider it as premature to enter upon the forming of Projects for a Convention, on the whole, or upon the aggregate of the depending points, without analysing them first, at least to a certain point, and without fixing the rights of each Country as far as possible; because, as your Excellencies must know extremely well, before we can proceed to a Convention on the whole, it is necessary to know, as far as possible, what are the rights and obligations of His Majesty, and what are the rights of The United States, and their objections; which knowledge, by detail, ought to be the foundation of the Negotiation, it being clear, that according to the extent which we believe the right and obligations of the one and other Party ought to be, so ought the Convention upon the whole to be the more or less extensive.

I hope to have the honor of receiving your Excellencies' Answer on the point which is the object of this Letter, and reiterate to you, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 28.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR,

Aranjuez, 20th April, 1805.

WE had the honor to acknowledge the receipt of your Excellency's Note of the 13th, to which we hasten to give a reply. It is not without much surprise, that we find by it that your Excellency should have construed the apprehension which we expressed in our Note of the 30th ult. that you intended by your silence, in not answering ours respecting the Western Limits of Louisiana for so long a term, to intimate a desire to terminate the Negotiation at that point, as conveying any unfavorable imputation to your Excellency, either in your public or private character. We do not hesitate to disavow any such intention, and to assure you, that nothing was more remote from our views. In making this frank declaration, we must be permitted to add, that we do not think that that Note, or any other that we have written, ought to have had such an interpretation. We are persuaded, that in all Negotiations, each party has a right to terminate that in which it is engaged, whenever it thinks proper, and that it is responsible for so doing to its Government alone. This right seems to be incident to the very nature of such transactions, and not to be restrained by any promise made in the commencement or afterwards by either Party, of what it proposes to do in the sequel, in respect to the mode of prosecuting it. Such promise must always be made on the idea, and be so understood by the other Party, that the Negotiation will be continued. It can never be construed in such a manner as to compel the Party to continue it, in case any thing should occur to make it

improper in its judgment so to do. It was in this light that we considered your Excellency's promise, and were, therefore, far from supposing that in making the inquiry which we did, under existing circumstances, we violated any rule of decorum or delicacy. Whether there was sufficient cause for the impression we had taken in that respect, we will not pretend to say. It is, however, most certain, that we thought there was, and for the following reasons: 1st. Because unusual delay had occurred since our last Communication, which we could not otherwise account for. 2nd. Because, as your Excellency had repeatedly insisted on the relinquishment of the Claim of The United States on Spain, to compensation for French spoliations within her Limits, and seemed in your Note of the 15th, to make the continuance of the Negotiation dependent on that issue, we were naturally led to suspect, on our repeating the assurance that we were decidedly of a contrary opinion, and could not abandon the Claim, especially after so long an interval, that you had come to that resolution. Having this view of the subject, we did not know but that your Excellency had adopted that mode of making known to us the views of your Government, as the one which was deemed most suitable to the purpose, and had even expected such an application on our part, to lead to a more full and explicit declaration of them. In making the application, which we did with regret, we followed no rule, but were governed by an impulse which the occasion excited, and we trust merits to be considered as an honorable one; one to which your Excellency has shown too great a sensibility, or you would not have so much misconstrued our meaning. We repeat, therefore, that we neither intended, nor do we think that any of our Letters ought to be construed, to convey any imputation unfavorable to your Excellency in your public or private character, for which we renew the assurance of our high consideration and respect.

Our Note of the 9th instant (for that of the 12th was only founded on it), was intended as a justification of the part, which, under existing circumstances, we deemed it our duty to take. We intended it as a justification of our conduct equally to His Catholic Majesty's Government and our own. We were of opinion, for the reasons therein stated, that as there was no prospect of obtaining an accord on such terms as our Government thought reasonable and just, and as our Government and ourselves were compromitted by the manner in which the Negotiation continued to be conducted, that it was not only useless but highly improper for us to pursue it. It is usual in all Negotiations, especially in important concerns, for one of the Parties to present to the other a Project of a Treaty or Convention for the arrangement of the objects in contemplation, founded on his Instructions; and to receive from the other Party a like one in return, in case any difference of opinion, on any point, appeared between them. It

is by an exchange of such Projects that the views of their respective Governments are seen, and each Party is enabled to determine at once whether there is any prospect of an agreement, and to act accordingly ; it is by such exchange that the points of agreement and difference between them are shown, and that the topics of discussion are distinctly marked, in case the Negotiation is carried to that length ; it is in short by it, and by it alone that the basis of the Negotiation is formed, and the Parties to it placed on equal ground. Whenever this rule is departed from, it must be to the disadvantage of the Party, whose case forms an exception to it. It is in the power of the other to continue the Negotiation, as long as he thinks fit, and finally to break it off, if he is so disposed, on his own terms. When we did ourselves the honor to present to your Excellency on the 28th of January, our Project of the arrangement of the points in question, with our Note explanatory of it, it was in the expectation that we should have received a Counter one in return, in case its conditions were not approved, with a Note explicit to every point. We do not say that an express agreement to that effect was entered into : but as it was agreed that we should commence the Negotiation in that mode, and as it was known to be the established usage in such cases, we concluded that the business would necessarily take that course. In that expectation however we were disappointed in both respects. It was perhaps our duty to have declined proceeding in the Negotiation until we were furnished with such a Communication, and had we done so, we presume it could not have been refused. By proceeding in it as we have done, in the mode adopted by your Excellency, we were governed, as heretofore observed, by a spirit of conciliation, in the belief that in that mode we should obtain the same end, without any essential difference in point of time. In this latter respect we were also disappointed. Your Excellency has repeatedly observed that you had followed the mode which we had recommended ; but you will permit us to remark that in this respect your Excellency has altogether misapprehended our idea, in one of its most important features. We said, it is true, in our 1st Note, that it was proper to ascertain the rights of each Nation on each point, and we still say so. But did it follow from thence that we were willing to dispense with the ordinary mode of proceeding in such cases?—with a just Claim to a Counter-project or to Propositions from your Government ? Did we consent to a mode of discussion in which each point should be made the subject of Separate Notes, and that these should be subdivided and each subdivision become so ? A mode which tended to create unavoidable delay. Most certainly nothing can be found in any Communication from us, which gives the slightest sanction to such a mode of proceeding. It differs altogether from that which we expected would have been pursued in the Negotiation ; it is contrary to that in which

we commenced it, and it has been the subject of serious and frequent complaint on our part since. It was after we saw with regret, that 3 months had been thus consumed without effect; that unusual and unexpected delays had taken place in the discussion, which seemed likely to be protracted to an indefinite length of time; that no basis of the Negotiation was laid; no Propositions were presented, though often requested with as much earnestness as delicacy would permit; and that to those which we did ourselves the honor to present, we were answered, not in a spirit of accommodation, but with demands that we should surrender unconditionally the just Claims of our Government in some of the most important points, that we wrote that Letter. To a situation so improper it was impossible for us to remain longer insensible. We could not but recollect, independent of the justice of our pretensions, that some consideration was due to the friendly and respectful advance that was made by our Government; that Special Missions in their nature require dispatch, and generally receive it; that on former and important occasions those of The United States had received it from France, Spain and Great Britain; that to the present one, by many causes, the public sensibility had been much excited, and that our Government waited with anxiety the result; in addition to which that one of the Parties to it was the Representative of The United States at another Court, where their interests suffered by his absence. It was on a full view of these circumstances, that that measure was taken, circumstances which appeared to us to be too imperious to leave any cause for hesitation. In writing the Letter we meant, as already observed, to vindicate our own conduct to both Governments. We did not mean in the slightest degree to call in question the right of His Catholic Majesty's Government to manage the Negotiation, or to conclude it, in such mode as it thought fit. We only claimed to ourselves a right to withdraw from it, and report the result to our Government, when it appeared to us impossible, after making due exertions, to accomplish the objects of our Mission.

In our Letter of the 9th, we invited again your Excellency's Propositions, which have not been furnished. Your Excellency has, however, furnished us with your observations on the last point of discussion, that of the Western Limits of Louisiana; by which the Negotiation approaches a conclusion in its ordinary form, by Treaty or otherwise, which your Excellency seems desirous to give it. Our wish has been invariably the same on this point, and we now feel ourselves called on to give a new and signal proof, under existing circumstances, of our disposition to conciliate. Anxious to adjust at this time the subsisting differences, and to place the relations of the 2 Countries on a basis of permanent friendship, by arrangements founded on their common interest, we will not put to hazard those

great concerns, by any act which may possibly impute the failure to us. Influenced by these considerations, we shall proceed to discuss this last point in reply to your Excellency's Note, although the Propositions have not been furnished; in the expectation that after the discussion on this point is finished, as we trust it hereby will be, we shall experience on your part an equal co-operation to conclude the Negotiation itself, with the utmost promptitude.

We have gone thus into detail, to place in its true light the part we have acted in these concerns, and the motive of it. The present Negotiation naturally forms an interesting epoch in the political relations of the 2 Powers; and it is important to The United States that it should be seen that nothing was omitted on their part, which was due to the claims of justice and good neighborhood on the part of His Catholic Majesty.

In examining the question respecting the Western Limits of Louisiana, we are to be governed by those facts and principles which would have been applicable to France, had she never parted with the Province. All the rights which she formerly possessed over it were restored to her by the Treaty of Saint Ildefonso, and by her transferred to The United States by that of Paris, 1803. To ascertain these, it is necessary to go back to that epoch, when the River Mississippi, with the waters which empty into it, and when the Bay of Saint Bernard, were first discovered. The Boundary to the West was never traced by an exact Line of Demarcation between that Province and the Possessions of Spain; and in settling it at this day, the same principles and facts must govern as if it had been then made.

The facts which are material in the case, are such as relate to the discovery and possession of the Territory referred to, by the Subjects and under the authority of each Nation. The principles are those which have been recognized by European Powers in similar transactions, and which of course ought to govern in the present one. It is by a correct view of the material facts, and the faithful application of these principles to them; that the rights of each Nation will be established in this point, and thereby the Boundary between them.

By the Memorial which we had the honor to present to your Excellency on the 28th January last, the epoch of the discovery of the Mississippi and the Waters which empty into it, and of the Bay of St. Bernard, and of the taking possession of the same, and of the Country dependent thereon, is proved by Documents which cannot be questioned. By these it is established in respect to the Mississippi, its Waters and dependent Country, as low down the River as the Arkansas, by the Sieurs Joliet and Marquette, from Canada, as early as the year 1673, and to its Mouth by the Father Hennepin, in 1680, and by De la Salle and Tonti, who descended the River with 60 men

to the Ocean, and named the Country Louisiana in 1682, and in respect to the Bay of St. Bernard in 1685. This was done at those periods in the name and under the authority of France, by Acts which proclaimed her Sovereignty over the whole Country to other Powers, in a manner the most public and solemn, such as making Settlements and building Forts within it. Of these it is material to notice in the present inquiry 2 only, which were erected in the Bay of St. Bernard on the Western side of the River Colorado, by M. de la Salle, who landed there from France with 240 Persons in 1685. It was on the authority of the discovery thus made, and of the possession so taken, that Louis the XIVth granted to Anthony Crozat, by Letters Patent, bearing date in 1712, the exclusive commerce of that Country; in which he defines its Boundary, by declaring that it comprehended all the Lands, Coasts, and Islands which are situated in the Gulf of Mexico, between Carolina on the East, and Old and New Mexico on the West, with all the Streams which empty into the Ocean within those Limits and the interior Country dependent on the same. Such are the facts on which the claim of France rested; such are those on which that of The United States now rests.

The principles which are applicable to the case, are such as are dictated by reason, and have been adopted in practice by European Powers in the discoveries and acquisitions which they have respectively made in the New World. They are few, simple, intelligible, and at the same time founded in strict justice. The first of these is, that when any European Nation takes possession of any extent of Sea Coast, that possession is understood as extending into the interior Country, to the sources of the Rivers emptying within that Coast, to all their branches, and the Country they cover, and to give it a right in exclusion of all other Nations to the same. (See *Mémoire de l'Amérique*, page 116.) It is evident that some rule or principle must govern the rights of European Powers in regard to each other, in all such cases: and it is certain that none can be adopted, in those to which it applies, more reasonable or just, than the present one. Many weighty considerations show the propriety of it. Nature seems to have destined a range of Territory so described for the same society; to have connected its several parts together by the ties of a common interest, and to have detached them from others. If this principle is departed from, it must be by attaching to such discovery and possession a more enlarged or contracted scope of acquisition; but a slight attention to the subject will demonstrate the absurdity of either. The latter would be to restrict the rights of an European Power, who discovered and took possession of a new Country, to the spot on which its Troops or Settlements rested: a doctrine which has been totally disclaimed by all the Powers who made discoveries and acquired Possessions in America. The other extreme would be equally

improper: that is, that the Nation who made such discovery should, in all cases, be entitled to the whole of the Territory so discovered. In the case of an Island, whose extent was seen, which might be soon sailed round and preserved by a few Forts, it may apply with justice; but in that of a Continent it would be absolutely absurd. Accordingly we find, that this opposite extreme has been equally disclaimed and disavowed by the doctrine and practice of European Nations. The great Continent of America, North and South, was never claimed or held by any one European Nation; nor was either great Section of it. Their pretensions have been always bounded by more moderate and rational principles. The one laid down has obtained general assent.

This principle was completely established in the controversy which produced the War of 1755. Great Britain contended that she had a right, founded on the discovery and possession of such Territory, to define its Boundaries by given latitudes in grants to Individuals, retaining the Sovereignty to herself from Sea to Sea. This pretension, on her part, was opposed by France and Spain, and it was finally abandoned by Great Britain in the Treaty of 1763, which established the Mississippi as the Western Boundary of her Possessions. It was opposed by France and Spain on the principle here insisted on, which of course gives it the highest possible sanction in the present case.

The second is, that whenever one European Nation makes a discovery and takes possession of any portion of that Continent, and another afterwards does the same at some distance from it, where the Boundary between them is not determined by the principle above-mentioned, the middle distance becomes such of course. The justice and propriety of this rule is too obvious to require illustration.

A third rule is, that whenever any European Nation has thus acquired a right to any portion of Territory on that Continent, that right can never be diminished or affected by any other Power, by virtue of purchases made, by grants or conquests of the Natives within the Limits thereof. It is believed that this principle has been admitted and acted on invariably since the discovery of America, in respect to their Possessions there, by all the European Powers. It is particularly illustrated by the Stipulations of their most important Treaties, concerning those Possessions, and the practice under them, viz. the Treaty of Utrecht in 1713, and that of Paris in 1763. In conformity with the Xth Article of the first mentioned Treaty, the Boundary between Canada and Louisiana on the one side, and the Hudson Bay and Northwestern Companies on the other, was established by Commissaries, by a line to commence at a Cape or Promontory, on the Ocean, in 58 deg. 30 min. north latitude, to run thence south-westwardly to latitude 49 deg. north from the Equator,

and along that line indefinitely Westward. Since that time no attempt has been made to extend the Limits of Louisiana or Canada to the north of that line, or of those Companies to the south of it, by purchase, conquest, or grants from the Indians. By the Treaty of Paris, 1763, the Boundary between the present United States and Florida and Louisiana, was established by a line to run through the middle of the Mississippi from its source to the River Iberville, and through that River, &c. to the Ocean. Since that time no attempts have been made by those States, since their Independence, or by Great Britain before it, to extend their Possessions Westward of that line, or of Spain to extend her's Eastward of it, by virtue of such acquisitions made of the Indians. These facts prove incontestably that this principle is not only just in itself, but that it has been invariably observed by all the Powers holding Possessions in America, in all questions to which it applies relative to those Possessions.

The above are the principles which we presume are to govern in the present case. We will now proceed to apply these principles to the claim of The United States, as founded on the facts above stated relative to the discovery and possession of Louisiana by France; and to designate the Limit, to which we presume they are justly entitled by virtue thereof in the Quarter referred to.

On the authority of the principle first above stated, it is evident that, by the discovery and possession of the Mississippi in its whole length and the Coast adjoining it, The United States are entitled to the whole Country dependent on that River, the waters which empty into it, and their several branches, within the Limits, on that Coast. The extent to which this would go it is not in our power to say; but the principle being clear, dependent on plain and simple facts, it would be easy to ascertain it.

It is equally evident by the application of the second principle to the discovery made by M. de la Salle of the Bay of St. Bernard, and his establishment there on the Western side of the River Colorado, that The United States have a just right to a Boundary founded on the middle distance between that point and the then nearest Spanish Settlement, which it is understood was in the Province of Panuco, unless that Claim should be precluded on the principle first above mentioned. To what point that would carry us, it is equally out of our power to say; nor is it material, as the possession in the Bay of St. Bernard taken in connection with that on the Mississippi, has been always understood, as of right we presume it ought, to extend to the Rio Bravo, on which we now insist.

In support of this Boundary, we rely much on the grant of Louis the XIVth to Anthony Crozat in 1712. That grant, it is true, establishes no new right to the Territory. The right had already accrued by the causes and to the extent already mentioned, which was never

abandoned afterwards, except by the Treaty of 1763, which does not affect the present question.

This Boundary is also supported by the opinions of the best informed Persons who have written on the subject, with which we have become acquainted. By an Extract from a Work on Louisiana, written by the Col. Chevalier de Champigny, in 1773, who residing in the Country was doubtless well informed, the Rio Bravo is laid down as the Western Boundary of that Province, p. 10. This fact is again asserted with more minuteness in his second Note to that Work, in which he states that Louisiana was bounded before the Treaty of 1763, to the West, by the Mountains of New Mexico and the Rio Bravo. In a Book containing several Memoirs on different subjects, published about 3 years since at Paris, is one entitled a *Memoir historical and political on Louisiana*, by the Count de Vergennes, Minister of Louis the XVIth, in which it is stated that Louisiana is bounded to the East by Florida, and to the West by Mexico. The opinion of Geographers in general confirms that of other Writers. By a Chart of Louisiana, published in 1762, by Dn. Thos. Lopez, Geographer to His Catholic Majesty, it appears that he considered the Rio Bravo as the Boundary of the Province, as it likewise does by a Chart of De L'Isle of the Royal Academy of Sciences at Paris, which was revised and republished in 1782. Other evidences might be quoted, but it is useless to multiply them.

Having thus shown the principles on which The United States found their claim to the Rio Bravo as the Western Boundary of Louisiana, we will proceed to examine the Claim of Spain which is opposed to it, as presented by your Excellency in your esteemed Note of the 13th instant. We find by it that all the facts relied on in support of the Claim of Spain, relate to the Province of Texas, the whole of which lies Eastward of the Rio Bravo, and as we suppose within the limits of Louisiana. They amount to this, that at different epochs certain religious Missions were established within that Province, the first of which was in 1690: that in 1692, a Royal Order was issued, directing new discoveries to be made in it, under which the River Codachos was explored: that in 1714, Louis St. Dennis, a Frenchman, with a Passport from the Governor of Louisiana, made a visit to Mexico, on some commercial projects, passing by the Spanish Post of St. John the Baptist, on the Rio Bravo, at which time, Don Diego Ramon was sent into the Province of Texas, where he was well received by the Indians, among whom he then founded several religious Missions, one of them at a Post within 7 leagues of Natchitoches: that Treaties were afterwards made with some Tribes of Indians, who acknowledged their dependence on Spain: that during the Regency of the Duke of Orleans, hostilities took place between the French and Spaniards, in

which the former attacked the latter at Adaes, and broke up the Establishment for a time : that in 1730, the situation of the Post of Antonio de Bejar was improved by the Marquis de Aguayo, who settled a certain number of families in its neighborhood : that in 1755, hostilities took place with the Indians, who attacked the Post of St. Saba, and killed some Soldiers and Priests, in consequence of which a Detachment was sent against them under the command of Don Diego Ortiz de Parrilla : that, after this, the Marquis de Rubi was empowered to organize a system of defence for the Provinces of New Spain, which was completed in the year 1772. These we believe are all the facts stated by your Excellency, on which we think proper to make a few remarks.

It is evident, as every fact above stated was posterior, and even by many years, to the completion of the title on which The United States rely, that if the principles by which they support their title are sound, there is not the slightest foundation for the Claim of Spain to rest on. Every act of Spain, within the Limits which it appears justly belonged to France, was an encroachment which the friendly relations between the 2 Powers might authorize, in a wilderness, but which could give no title ; that those acts were considered by the French in the light of encroachments at the time they were made, is proved by many facts and Documents the most authentic. In respect to the Spanish Post in the neighborhood of the Natchitoches, on which your Excellency seems chiefly to rely, we beg to refer you to Col. Champigny's Work, page 10 of his Notes, by which it is stated, that the Post which the Spaniards had established there, was on the Territory of the French. We refer you also to Du Pratz's history of Louisiana, vol. 1, page 12, by which it appears, that the Spaniards were introduced there, under the auspices of the French, by Louis St. Dennis, to favor a contraband trade with Mexico, and that the favorable reception given by the Indians to Don Diego Ramon, was owing to St. Dennis, who was recognized by them as their great Chief ; prior to which year, it appears, by the same Author, that there was not an Establishment of any kind East of the Rio Bravo, and only that of St. John the Baptist on the Western Bank of it. But the most authentic and conclusive of all proofs, of the light in which these acts of the Spaniards were viewed by the French, is, that hostilities actually did take place between them respecting those Posts ; a fact which history has recorded, and your Excellency admitted.

Your Excellency has noticed in your statement, some concessions or acknowledgments made to the Spaniards by the Indians, of their dependence on Spain ; but these, it is presumed, could convey to her no title to the sovereignty of the Territory, against France. The 3rd principle relied on above, is conclusive to this effect. Within the known Limits of Mexico, there is a vast tract of vacant Territory to

the North, held and inhabited by the Indians. If any other Power was to treat with and receive similar acknowledgments of the Indians in that Quarter, would Spain admit that the Sovereignty of the Territory was thereby transferred from her to such Power?

On this view of the subject, in which we have attempted to illustrate more in detail, but have added little to the contents of the Memorial which we had the honor to present to your Excellency on the 28th of January last, we rest the title of The United States to the Rio Bravo, as the Western Boundary of Louisiana. As every point has been thus fully discussed, we flatter ourselves that we shall now be honored with your Excellency's Propositions for the arrangement of the whole business. The Country on both sides the Mississippi is yet a wilderness, and it is important to make those arrangements which mutual interests may require while it is so. As your Excellency is possessed of the sentiments of our Government on every point, it is unnecessary to add more than to repeat, that on receiving your Excellency's Propositions, we shall have every disposition to conciliate the views and interests of His Majesty's Government, which can be expected from the just and friendly policy of The United States.

We request your Excellency to accept, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

No. 29.—*Messrs. Pinckney and Monroe to Don Pedro Cevallos.*

SIR,

Aranjuez, 12th May, 1805.

ANIMATED by the same friendly desire which has governed us since the commencement of the Negotiation, and influenced by that which was expressed by your Excellency in our interview last evening, we are willing to state the ultimate conditions on which we are authorized to adjust the several points depending between our Governments. With this view we do ourselves the honor to inform your Excellency, that, on condition that His Catholic Majesty will cede the Territory Eastward of the Mississippi, and arbitrate the Claims of the Citizens and Subjects of each Power, according to the Convention of August 11th, 1802, we will make the Colorado the Boundary between Louisiana and Spain, by a line to be run in the manner proposed in the Project which was presented on the 28th January last,—The United States ceding all right to any Territory Westward of that line; we will establish a district of Territory of 30 leagues on each side of that line, or on the American side only, if preferred by Spain, to be run from the Gulf of Mexico to the Northern Boundary of Louisiana, which shall remain Neutral and unsettled for ever; we will relinquish the claim to spoliations which were committed by the French, within the jurisdiction of Spain in the course of the last War,—The United States undertaking to compensate the Parties in a sum to be specified; and

we will also relinquish all claim to compensation for the injuries which were received by the suppression of the Deposite at New Orleans. Your Excellency will, we are persuaded, see, in these Propositions, a most unequivocal proof of the sincere desire of our Government to meet the views of His Catholic Majesty in the points referred to, in a spirit of conciliation and concession, and to place the friendly relations of the 2 Countries, who as neighbors have so many and powerful motives to promote that object, on a basis never to be shaken. We have endeavored also to give the strongest proof in our power of our disposition to conciliate the views which have been expressed on 2 points by His Majesty the Emperor of France, since in case His Catholic Majesty adopts the Propositions and cedes the whole of the Country Eastward of the Mississippi, we are willing to accept the Cession of West Florida from him, and in assuming the payment to our Citizens of their Claims for French spoliations by The United States, we make it, as we presume, in a great measure without any consideration whatever, as we consider the Cession which we propose to make on the Western side of the Mississippi in itself an equivalent for all the Territory claimed by Spain on its Eastern side. If these propositions are accepted, we have to request that your Excellency will be so good as to notify us of it, that a Convention founded on them may be concluded without delay. If they are rejected, we have then to request that your Excellency will consider The United States as in no respect bound by them, and the whole subject as standing on the same ground, in any future Negotiation, as if none such had been made. In either event, we have to request that your Excellency will be so good as to give us an early and explicit Answer to the same.

We request your Excellency to accept, &c.

CHARLES PINCKNEY.

H. E. Don Pedro Cevallos.

JAMES MONROE.

P. S. We do ourselves the honor to enclose to your Excellency the 2 Notes which we submitted to your view last evening, with our Signatures.

(Enclosure.)—*American Propositions to the Secretary of State of His Catholic Majesty.*

ON condition that Spain will cede on her part the Territory to the East of the Mississippi, and arbitrate her own spoliations conformably to the Convention of August 11th, 1802,—

The United States will cede on their part their Claim to Territory West of a line to be drawn from the mouth of the Colorado to its source, and from thence to the Northern Limits of Louisiana, in such manner as to avoid the different Rivers and their branches which empty into the Mississippi.

They will establish a Territory of 30 leagues on both sides of this

line, which shall remain unsettled for ever, or of 30 leagues on their own side, if Spain desires to extend her Settlements to the Colorado.

They will also relinquish their Claim for French spoliations, which amounts to 164 Vessels, by undertaking to satisfy the Parties themselves, in a sum to be specified.

They will relinquish likewise their Claim to compensation for the suppression of the Deposit at New Orleans.

No. 30.—Mr. Monroe to The Prince of Peace.

SIR,

Aranjuez, 14th May, 1806.

As it is my duty to withdraw from Spain as soon as we receive his Excellency Don Pedro Cevallos's Answer, your Excellency will permit me to transmit you a Copy of our last Letter to him. It is precisely in sentiment with our Communication to your Excellency; still as the Answer which we may receive will draw the Negotiation to a conclusion, by Treaty or otherwise, it is our desire to communicate to your Excellency, as we have already done, every step which we have taken in the present concern, which is of so much importance to both Countries. We are satisfied that the Propositions which we make for the amicable settlement of all the points depending between the 3 Countries ought to be considered in regard to Spain, as being at least just. Our Government is convinced that by a sound construction of its rights, the Rio Bravo is the Western Boundary of Louisiana, and we have no doubt, had France retained the Province, that she would have insisted on that Limit. The Cession then which we propose to make of the great tract of Country between that Boundary and the Colorado, and the establishment within our remaining limits of 30 leagues of Neutral Territory to the Eastward of it, are in our opinion worth much more to Spain than the whole of the Territory Eastward of the Mississippi, if it belonged to her by an indisputable title. But the Island of New Orleans belongs to us, and West Florida is claimed by both Parties; so that her Territory there, in point of value, cannot be compared with the vast advantage which she would derive from the concession and arrangement which we propose to make on the Western side. But when it is considered that we add to this, the relinquishment of the Claim to French spoliations within the Dominions of Spain, which amounts to many millions of dollars, and also that for the injury arising from the suppression of the Deposit at New Orleans, the advantage which she will derive from such an adjustment must be the more evident. It may be said that in these 2 latter points, The United States relinquish nothing, as Spain does not consider herself responsible for those injuries. But our Government thinks otherwise, and we well know that the pretensions by which Spain resists our Claim cannot be supported in either instance. In respect to the first, Spain will never say that she could not support

her own authority within her own limits; that she was forced to yield to France: nor can she claim a benefit from a Treaty made by another Power, to which she was not a Party, in which she was not named, nor were the acts for which she was responsible contemplated. Indeed this latter pretension was not thought of till some years after the Treaty, under which Spain claims an exemption, between The United States and France, was formed; most certainly not, till after the Convention of August 11th, 1802, between The United States and Spain was signed, and then it seems to have been discovered as it were by accident; circumstances which prove that such a pretension cannot be supported before the enlightened World. And with respect to the suppression of the right of Deposit at New Orleans, that act was an injury for which compensation ought to be made, as by the Treaty of 1796, no interruption to that Deposit, or one at some other place, was provided. We cannot apply to France for the compensation; because Spain was in possession of the Territory, the act was done by her Intendant, and it was by her Government that the Deposit was again opened. Your Excellency must be sensible that The United States can never abandon these Claims, which they think so just, without being satisfied for them in some mode or other. We assure your Excellency with confidence, that if we were capable of signing a Treaty which did abandon them, it would not be ratified. What mode then can be fixed on, more honorable or advantageous to Spain, than that which is proposed, by which we are to satisfy them ourselves. With respect to the arbitration of Spanish spoliations, that is a question of a different nature, which has already been agreed on by a Convention between Spain and The United States, and to which it is presumed that no objection is made. Your Excellency will permit me to express myself with freedom to you, in a concern of such high importance to Spain, as well as to The United States. It is one to which you cannot be indifferent, since, be it settled as it may, it must involve, in a very high degree, your own character and glory. The high rank which you hold in Spain, and the influence which you enjoy in the Councils of His Majesty, will make your Excellency, in a considerable degree, responsible for the consequences of what is done. Let me ask your Excellency then, with that candor which has distinguished the whole of your conduct in the communications with which you have honored me, whether it is not important for Spain to adjust this business at this time, on fair and equal terms with The United States? Whether she will not hazard much in suffering the fair opportunity which is presented her, to be lost, these differences to remain unsettled, and the discontents and animosities which will naturally grow out of them in The United States, to exist and increase? Do the vast Possessions which Spain holds to the South of us, admit of a valuation? Is there any standard by which that value

can be estimated? Your Excellency well knows their value, and how important it is to Spain to preserve them. What is the disposition of other Powers relative to those Possessions? Are there none who would be happy to wrest them from Spain, if a favorable opportunity offered? The United States are placed by the side of those Possessions, are already powerful, and are daily increasing in power, by a march which cannot be impeded. Is it not well known, if hostilities should ever take place between the 2 Countries, that The United States can do to Spain, in respect to those Possessions, more injury than any other Power on the Globe? Is it not then for the interest of Spain to cultivate the friendship of those States, if not by a generous, at least by a just, policy? Ought she not to avail herself of this favorable opportunity to settle all differences, and to place their relations on a footing of perfect security to her, which she may do with so much advantage by the propositions which are made? Ought she even to wish better terms than are thus offered, since, in settling so great an object of national policy, the wisdom of the Councils which dictates any adjustment, admonishes that to be effectual, it ought to be satisfactory to both the Parties? Is the Territory, which Spain holds to the Eastward of the Mississippi, of any importance when compared with this object, especially when it is considered that it is surrounded by the Possessions of The United States, that if a Garrison is placed there, it must be nourished from us or starve, and that by weakening the Force at The Havanna, which governs the Gulf of Mexico, or some other Post which ought to be defended, all the great and valuable Possessions of Spain in America are endangered? Your Excellency must likewise be satisfied, that as The United States are already established in the Gulf of Mexico, by a great extent of Territory, the possession of that belonging to Spain to the Eastward of the Mississippi, cannot essentially affect their situation in reference to Spain, while it will secure it from the danger of falling into the hands of any other Power, an event which might prove of great injury to her. It is evident, that by ceding this Territory to The United States, on fair conditions, Spain parts with what is of no real value to her; she protects it from the casualties of War and the more dangerous casualties of intrigue, and places it in a situation where it can never prove injurious to her. But what is still more deserving of attention, she secures, by an act of enlightened and liberal policy, the friendship of a Power already distinguished, and rapidly rising to the first consideration; a Power, whose friendship as a Neighbor, it is of the first importance to her to preserve. It appears, therefore, to me, that this affair should be considered more in a political light than a financial one, and that the effect in a principal point, which Spain should contemplate by the Cession, ought not to be diminished by permitting it to partake too much of the latter character. I wish these considera-

tions to be weighed by your Excellency, because they appear to me to be important to Spain as well as to The United States, and to be peculiarly so to your Excellency, on account of the high responsibility which is inseparable from the distinguished rank and consideration which you deservedly hold in the Government and Councils of His Catholic Majesty.

I must be permitted to repeat to your Excellency, that it is my duty to leave Spain, as soon as we receive his Excellency Don Pedro Cevallos's Answer to our last Note. I have been here now near 5 months engaged in this business, and we are bound by every consideration of duty to conclude it. Our Government has failed in nothing which was due to the friendly relations subsisting between The United States and His Catholic Majesty. It is by a sentiment of high respect, with which your Excellency's frank and candid conduct has inspired me, and a sincere desire to terminate the Negotiation to the advantage of both Countries, that I am prompted to make to you this Communication in the present stage of it.

I request, &c.

H. E. Don Manuel Godoy.

JAMES MONROE.

No. 31.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

GENTLEMEN,

Aranjuez, 15th May, 1805.

I HAVE read with due attention your esteemed Note of the 12th. and the Propositions you have been pleased to make in the name of your Government, reduced to the following: That Spain shall cede, on her part, the Floridas, and shall arrange the point of the Claims of the Individuals of both Nations, conformably to the Convention of the 11th August, 1802, and that on their part, The United States would fix the River Colorado as the limit between Louisiana and the Spanish Possessions in the form that the said Note expresses, and that they will abandon the Claim arising from the damages occasioned by the French on the Coasts and in the Ports of Spain during the last War, as also, that for indemnification for damages occasioned by the suspension of the Deposite at New Orleans.

On viewing these Propositions, I cannot refrain from saying to your Excellencies, that I do not see in them any convenient terms for entering into the Exchange or Contract proposed, for although His Majesty has the power to bargain for the Floridas, as Owner of them in the fullest extent, and has also the right, if he pleases, to ratify the Convention of the 11th August, 1802, which is suspended for the reasons your Excellencies know, there are wanting equal right and power in The United States to make the cession your Excellencies mention,—The United States having no right to demand of Spain compensation for damages occasioned by the French Privateers, as I have demonstrated in my Notes on that point, and to which I again refer. [1817—1818.]

Spain, therefore, could not receive from The United States the renunciation of a right they have not, and which she does not recognize as belonging to them. The same may be said as to the Claim for the suspension of the Deposit at New Orleans; and as to the Claim to fix the Limits of Louisiana at the Rio Bravo, from which Claim flows the assertion that the fixing it at the Colorado is to be considered as a Cession, it is equally necessary for me to observe to your Excellencies that the Spanish Government has made it appear, and is equally ready to show more and more, by the most irrefragable proofs, that the Limit which separates Louisiana and the Spanish Possessions, is a line which, beginning in the Gulf of Mexico, between the Rivers Carecut or Carcasee, and the Marmenta or Marmentao, ascends towards the north, between the Adaes and Natchitoches, until it cuts the Red River, and as from this point they are doubtful and little known, the Limits which ought to be marked on the northern side appear to be proper subjects for reference to the prudent investigation of Commissioners of Limits to be named by both Parties, who having the view of the Territory and all the Documents and dates which may be necessary before them, rectifying what ought to be rectified, and furnishing the lights necessary to both Governments, on Limits which have never yet been fixed or determined with all the exactness necessary, may be thus able to establish the demarcation completely to the satisfaction of both Governments.

In this view of the subject, it cannot be concealed from the penetration of your Excellencies, that as a consequence of the propositions you have made by your Note of the 12th, Spain would cede to The United States not only the Territories which indisputably belong to her to the East of the Mississippi, that is, the 2 Floridas, but also others equally her own in the interior Provinces of New Spain, without receiving any thing in return but the renunciation of a right which she does not acknowledge in The United States; which is, to relinquish the claim for the damages arising from the suspension of the Deposit, and for those occasioned by the French Privateers on the Coast and in the Ports of Spain during the last War, when on the contrary Spain thinks she has shewn that she is in no manner liable for the same.

The justice of the American Government will not permit it to insist on propositions so totally to the disadvantage of Spain; and however anxious His Majesty may be to please The United States, he cannot on his part assent to them, nor can he do less than consider them as little conformable to the rights of his Crown.

I renew to your Excellencies, &c.

Messrs Pinckney and Monroe.

PEDRO CEVALLOS.

No. 32.—Messrs. Pinckney and Monroe to Don Pedro Cevallos.

SIR, Aranjuez, 18th May, 1805.

WE have received your Excellency's Letter of the 16th, by which we perceive with regret, that the Propositions which we had the honor to make to His Catholic Majesty, on the part of our Government, on the 12th instant, for the adjustment of the several points depending between The United States and Spain, have been absolutely rejected. By this Answer, which we presume is given by the order of His Majesty, we consider the Negotiation concluded; we have therefore only to remark that we shall hasten to communicate the result to our Government, who will not fail to bestow on it the attention which is due to a concern of such high importance to The United States. The Special Mission to His Catholic Majesty being thus ended, it becomes the duty of Mr. Monroe to repair immediately to London, where he is the resident Minister of The United States, for which purpose your Excellency will be so obliging as to furnish him with the necessary Passport. As preparatory to that step, we have to request your Excellency will be so good as to obtain for him an early audience of their Majesties, that he may be enabled to take his leave of them, and at the same time to renew the assurance of the high consideration entertained for them by our Government.

We beg your Excellency to accept, &c.

CHARLES PINCKNEY.

JAMES MONROE.

H. E. Don Pedro Cevallos.

No. 33.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

GENTLEMEN, Aranjuez, 20th May, 1805.

HAVING given an account to their Majesties of the contents of your esteemed Letter of the 18th, in which you request the necessary Passport for Mr. Monroe to return, agreeably to his wish, to his Residence at London, obtaining before his departure an audience of leave; their Majesties have fixed to-morrow, being Wednesday, at half-past 11 o'clock for the audience which Mr. Monroe wishes, and without loss of time I shall have the honor to send the necessary Passport for Mr. Monroe.

I have the honour to reiterate, &c.

Messrs. Pinckney and Monroe.

PEDRO CEVALLOS.

No. 34.—Don Pedro Cevallos to Messrs. Pinckney and Monroe.

(Translation.)

Aranjuez, 22nd May, 1805,

DON Pedro Cevallos presents his compliments to Mr. Pinckney and to Mr. Monroe, and has the honor to enclose the necessary Passport for Mr. Monroe.

Don Pedro Cevallos reiterates, &c.

PEDRO CEVALLOS.

No. 35.—Address of Mr. Monroe to the King of Spain.

SIR,

Aranjuez, 22nd May, 1805.

ON my arrival here I had the honor to assure your Majesty of the high consideration of my Government for your Majesty's Person and Government. I then hoped to have had the honor to conclude the Special Mission with which I was charged, in conjunction with the Minister Plenipotentiary of The United States, near your Majesty, to the advantage and satisfaction of both Parties; but being disappointed in this respect, all our propositions having been rejected, and none others ever offered, on the part of your Majesty's Government, though often invited, it is my duty to return to my Station at London. We have transmitted the result to our Government for its decision. Under these circumstances, I have thought it my duty, to take my leave of your Majesty in the usual form, and in so doing to assure your Majesty, of the high consideration of my Government, and of the satisfaction it would have derived, from an amicable arrangement on fair principles, of all the questions depending between the 2 Nations, to accomplish which, it has made so many friendly advances and exertions.

(B.)—*Correspondence with the American Minister at Madrid.*
July, August, 1817.

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No. 1.—Don Jose Pizarro to Mr. Erving.—(Translation.)

SIR,

Palace, 16th July, 1817.

SINCE the happy restoration of His Majesty to the Throne of His August Progenitor, one of his principal objects has been to establish, upon solid foundations, his political relations with the several Powers friendly to Spain, by removing whatever obstacles were of a nature to affect their future good understanding.

From the beginning, the state of affairs between Spain and The United States called His Majesty's attention, and as soon, during the last year, as reciprocal organs of communication were established by the recognition of their respective Ministers, the King announced his desire of making evident the right of each Power, on the different points of existing Reclamations.

In your Note of August 26th, of the last year, addressed to my Predecessor, you also manifested, that you were equally disposed to enter into the discussion in behalf of your Government, and to conclude a Treaty honorable and satisfactory to both Parties, to which end, you intimated, that you were authorized by ample Powers and Instructions; but as the various questions depending between the 2 Governments, and the incidents of later years, which had complicated them, formed a total of objects, which appeared to require a prolix examination, His Majesty thought that this might be made between his Minister Plenipotentiary at Washington, and the American Secretary of State, with more despatch than in Madrid, where the Government of His Majesty found itself at the time surrounded with a multitude of pressing engagements, arising from the necessity of re-establishing the order subverted by foreign invasion, and by the very extraordinary means which had been adopted to repel it with success.

The Minister of the King, in Washington, was perfectly acquainted with all that had happened of late years; he knew to the foundation all the rights of Spain upon each of the depending questions; he was aware how well disposed was the mind of His Majesty to attend to the Reclamations of the American Government, which might be founded on justice, and even to accede to those, in which he might voluntarily please The United States, without injury to his Vassals, or to the rights of his Crown. It was, therefore, thought right to authorize him with Full Powers, and to make him aware, that after entering into an examination and discussion, corresponding to the tenor of what he knew respecting the rights of Spain, he should proceed to an adjustment, taking for a basis the demonstrated right of each Party, upon each of the points discussed.

But it appears, that the Government of The United States, has deemed it to be superfluous, to enter into an ulterior discussion of said points, after that which had taken place at a former period; and it appears also to have intimated its desire of an arrangement or conclusion upon the whole, jointly, of the respective pretensions, in which, without losing sight of the foundation of each, considerations of mutual convenience, should be equally attended to, and to fix the basis of an order, which could not be easily changed in future.

For this kind of arrangement, by way of conclusion, the Minister of His Majesty thought that competent Instructions were wanting to him, and in fact he was in need of those, which were much more detailed than those he already had, since they were intended to terminate the business, taking for a basis only the examination and knowledge of the rights of each, in the different objects which the Negotiation embraces.

Soliciting more ample Instructions, the Minister has sent to Madrid the Secretary of his Legation, Don Luis Noeli, and His Majesty has ordered, that they be prepared and arranged with all possible despatch. But, as in this course, which it is desired to give to the Negotiation, it is perhaps possible, that you and I can arrive more readily at a result, seeing what you state in your Notes of 26th August and 19th September, upon the business, my desire to do whatever may contribute to a satisfactory termination, induces me to ask you to please to explain, whether you continue authorized to enter into Conference with me, and even to conclude an Arrangement on the matter; for, in this case, without failing to send to His Majesty's Minister at Washington suitable Instructions, which the said Secretary of Legation will carry, we can also occupy ourselves in the same business, and perhaps arrive at a definitive arrangement with more promptitude, than the Minister of His Majesty at Washington, who, by some occurrence or proposition made to him, not foreseen in the Instructions, may be put in the necessity of again consulting His Majesty, and thus creating delay, which cannot happen with me, who have the honor to receive daily the orders of the King.

If you feel yourself authorized to this effect, our progress in this business may be substantially the same, as indicated in your Note of the 26th August; for, though in the projected Arrangement, we take for our guide considerations of reciprocal convenience, and the desire to avoid the reproduction of motives of disagreement for the future, a consideration of the respective rights of our Governments in the questions depending, can never be lost sight of, as you also indicate in your said Note; to the end that the sacrifice or relinquishment, which each may think it proper to make, should be correspondent and proportionate to what he may exact from the other in return.

If we shall succeed in forming the Arrangement, which we desire to conclude, *in a perfect knowledge of the right of each, modified by considerations of reciprocal utility*, it cannot be but firm and durable, and consolidate a good understanding between the 2 Nations, both of which are interested in preserving it.

I profit of this occasion, to renew, &c.

Mr. Erving.

JOSE PIZARRO.

No. 2.—Mr. Erving to Don José Pizarro.

SIR,

Madrid, 19th July, 1817.

I HAD yesterday the honor to receive Your Excellency's Note of the 16th instant.

Adverting to a late Correspondence between the Secretary of State of The United States, and the Chevalier Onis, Minister Plenipotentiary of His Majesty, Your Excellency seems to conclude, that the American Government hath declined to enter into an "*ulterior discus-*

sion" of the several points of difference which present themselves for adjustment between the 2 Countries, and to have intimated a wish to make an Arrangement, founded upon an aggregate view of their respective pretensions, in which, without forgetting the principles on which the right of each reposes, a due regard should be observed to considerations of mutual convenience.

For this class of arrangement, you allow that Mr. Onis had not sufficient Instructions ; those which he had, authorizing the termination of a Negotiation, only upon the basis of an examination, and recognition of the rights of each Party, on each of the several objects which the Negotiation should embrace.

But it appears from the Correspondence adverted to, not only that Mr. Onis did not conceive himself to be authorized to negotiate and sign a Treaty of the kind indicated, but that he was not empowered to negotiate and settle a Convention on any separate object ; for, by the Secretary of State's Letter to him, of January 4th, he was expressly invited to enter into such Arrangement, respecting 2 important points.

In fine, it distinctly appears, that Mr. Onis found himself empowered to discuss every point, but not to conclude on any one separately, or on the whole in mass. This certainly did not accord with the just expectations of my Government, founded upon the declarations of Mr. Cevallos, when he transferred the Negotiation to Washington.

But I refrain from dwelling more particularly on this matter, and pass to that part of your Excellency's Note, which contains a proposal for arranging our differences here.

With a view to the most speedy termination of these differences, you propose, that without suspending, or delaying the Instructions which are to be sent to Mr. Onis, we now enter upon the Negotiation, and you ask me whether I feel authorized to confer with you on the matter, and to conclude an Arrangement. Instructed of the invariable desire of the President, to regulate by Treaty all the grounds of difference which have unhappily so long subsisted between the 2 Countries, and to establish their relations of peace, on the most solid and permanent basis ; and being also well persuaded of the sincerity and conciliatory disposition which dictate this proposal, on the part of your Excellency, it is my duty to promote the object of it, as far as may be in my power, and I do not hesitate to explain myself to you, on this head, with the utmost frankness.

The Powers and Instructions which I received from my Government, as announced in my Letter to Mr. Cevallos, of August 26th, 1816, have not been revoked ; but your Excellency understands perfectly well the situation in which I am placed, as regards these, by the refusal of your Predecessor to treat here, and by the Powers

which he sent to Mr. Onis. You will clearly perceive, that I cannot do, or consent to, any act which may have the least tendency to retard, in the smallest degree, the Arrangement so much desired; consequently that I ought to avoid entering into regular discussions on the several subjects of my Note of August 26th, discussions which must needs occupy a great deal of time, and consequently delay the departure of Mr. Noeli; for I presume, that it cannot be within your plan, that he should depart, pending such discussions, and thus produce all the difficulties, embarrassments, and interminable delays of a double Negotiation.

Connected with this, is another consideration of major importance; your Excellency is fully aware, that the transfer of the Negotiations from Madrid to Washington, in the last year, had the appearance of an unnecessary procrastination, and that the subsequent discovery of the insufficiency of Mr. Onis's Instructions, might even seem to justify the reproach of its being a studied one; now, the retransfer of the Negotiations to Madrid, unless we are perfectly certain that they will terminate favorably, will, as far as it may tend to create further delay, necessarily have the same effect in augmented force. I am confident that such a course, is neither in the policy or character of your Excellency; it is necessary, however, for me, to pronounce myself explicitly on these points.

The Secretary of State of The United States, in his Letter to Mr. Onis, of January 25th, has observed, that Mr. Onis "had agreed with him, that any further discussion of subjects which had been so often discussed and completely exhausted, would be useless, since it could not be presumed that any change of opinion, on any point, could take place on either side. Each Party understands its rights, and has doubtless made up its mind, as to the conditions which it is willing to adopt."

Within the rule, therefore, which this Paragraph points to, I am disposed to act. I presume your Excellency's plan to be substantially the same, and your proposal to have been suggested by, and founded on, that which you understand the Secretary of State of The United States to have made to Mr. Onis:—indeed, you have expressed yourself on both of them, in nearly the same terms.

Thus, when His Majesty's Cabinet shall have determined on the Instructions to be given to Mr. Onis, it will have determined on the conditions on which the Treaty shall be made:—then if your Excellency will offer to me the basis of an adjustment, I will say instantly, whether I can, or cannot accede to it, or will propose to you such modifications of it, as my Instructions may require, and His Majesty's Government may find to be admissible.

In these transactions, we shall, as your Excellency has well observed, take for our guide considerations of reciprocal convenience,

each of us keeping in view the rights of our respective Governments; these being perfectly understood by both of us, and no discussion being necessary to fix our knowledge of them, we shall avoid reproducing the motives of disagreement to which you allude, and by this knowledge, we shall also regulate the concessions which either may be disposed to make.

Thus, we may terminate instantly, and in perfect harmony, all causes of present complaint, and all grounds of future misunderstanding; and, in a manner satisfactory to both Governments, lay a secure foundation for those friendly relations, which they are equally desirous to maintain.

I renew to your Excellency, &c.

H. E. Don José Pizarro.

GEORGE W. ERVING.

No. 3.—*Don José Pizarro to Mr. Erving.*—(Translation.)

SIR,

Palace, 27th July, 1817.

I HAVE received your esteemed Note of the 19th instant, in which you are pleased to reply to mine of the 16th, and I observe by it, that we are animated with equal sentiments and desires to see the different questions pending between our 2 Governments, satisfactorily and honorably terminated. With these dispositions on either side, it will not be difficult for us to arrive at the desired arrangement, provided it is accompanied with a due impartiality of judgment on the matter produced by each of us in support of his rights and pretensions.

I allow that a *prolix discussion* on the points which have been heretofore agitated, may be dispensed with, although subsequent circumstances have not failed considerably to change the state of the question; but I cannot persuade myself, that it will be the shortest, or the easiest method, to present on either side a Project of an Arrangement of the whole, without a previous examination, or Conference in which at least the points in question, and the actual state of them, should be ascertained and settled; and those on which we agree, and those on which we disagree, should be determined on, and a summary view given of the reasons and grounds of our diversity of opinion. This knowledge is the only rule by which we, our Governments, and the World, can determine upon the propriety or impropriety of the conditions of settlement which may be proposed to you, or of those which, on your part, you may judge proper to propose to me, if you do not conform to those offered by me.

This, I believe, was your mode of thinking, and appears also to have been the Orders and Instructions of your Government, when in your Note of the 26th August last, you were pleased to say to my Predecessor, "I am specially instructed to discuss and to settle with your

Excellency, all the ancient causes of misunderstanding, as well as the questions growing out of recent occurrences, which are of a character unfavorable to the object in view ;” and in another part you add, “a frank exposition of all the grounds of complaint, is at once the most just and most judicious course, for, to suppress or to smother any of them, in condescension to temporary considerations, is but to leave the seeds of future discord, and to substitute palliatives and expedients for satisfactory and solid arrangements.”

Though the urgent occupations which at that time engaged the attention of the Ministry did not allow of its entering with you into the desired discussion, yet His Majesty did not disapprove of the method and idea proposed by you ; on the contrary, the very same served as a rule for the conduct prescribed to Don Luis de Onis, the seat of Negotiation only being changed, that is, instead of its being carried on at Madrid between you and the Secretary of State of His Majesty, it was to be carried on at Washington, between the Secretary of State there, and the Minister of the King.

Don Luis de Onis, to whom was prescribed the said conduct adequate to your Proposition, could not but notice the considerable difference between what he had been thus advised of, and the manifestation which was forthwith made to him by that Government, *of its considering any discussion to be useless, since it was not to be presumed that either Party would change its opinion*, and this circumstance has been one of the motives which has obliged him to solicit Instructions more suited to the present dispositions manifested by that Government, as I had the honor to state to you in my Note of the 16th instant.

I give due weight to what you are pleased to indicate to me relative to your situation after the occurrences which have intervened ; but I also think that, animated with the same zeal for the *true interest* of our Governments, we may in a short time do much, and without considerably retarding the departure of Don Luis Noeli, we may arrive at some conclusive result, or at least facilitate the conclusion of the Negotiation.

In my opinion, the object would be promoted by a short discussion, in which we shall establish the points of controversy, and the respective grounds of them, before presenting any plan of arrangement ; but if you think differently, I have no objection to make out a Project of Arrangement, though it will carry with it the inconvenience of not having been preceded by an examination of the solid foundations, on which, I believe, I am able to support it ; at the same time, the Instructions which Don Luis Noeli is to carry to the Minister Onis, will be preparing ; for the intention of His Majesty is, that no means or mode should be neglected, which may produce an Arrangement,

provided, that the conditions of it be compatible with the interest of his Vassals and the honor of his Crown.

I renew to you, &c.

Mr. Erving.

JOSE PIZARRO.

No. 4.—Mr. Erving to Don José Pizarro.

SIR,

Madrid, 29th July, 1817.

I HAD the honor to receive, yesterday evening, your Excellency's Note of the 27th instant.

Respecting what is contained in my Note of the 19th instant, in reply to the proposal which you was pleased to make to me in your Note of the 16th instant, you observe, that though a prolix discussion of the several points in question between our 2 Governments, may be avoided, yet, that previous to any Project for the arrangement of them being presented, it might be well for us to enter into some examination, and come to some agreement upon each of them. You deem this mode to be necessary for the justification of our proceedings before our respective Governments, and you conclude, that it is the one which I had in view in my Note to your Predecessor, of 26th August, 1816. You go on to remark, that though the urgent occupations of that Minister at the time, prevented his adopting my plan, yet the same was given for a rule of Mr. Onis's conduct, in the Negotiation then transferred to Washington,—and, that it was not till Mr. Onis found the Government of The United States indisposed to renew discussions on subjects which had been so completely exhausted, that he thought proper to send home for such further Instructions, as might enable him to treat in the mode proposed by the Secretary of State.

Your Excellency will permit me to remind you, that all the principal points put forward in my above-mentioned Note to Mr. Cevallos, had been most minutely and repeatedly examined and debated, and that one of them had been adjusted by a Convention made here, in the year 1802, during the Ministry, and through the agency of Mr. Cevallos himself; that subsequently, viz: in the year 1806, Mr. Cevallos being still Minister, The United States, with a desire of regulating by Treaty all those questions, sent Mr. Monroe (late Secretary of State) as Minister Extraordinary to this Court,—and that in the Negotiations which then took place at Aranjuez, all that learning and ingenuity could produce, were exhausted in controversy. Little remained then for me, but to reproduce the subjects of complaint, and to support them wherever they might be contested, by the ample materials which had been furnished by those who had gone before me; at the same time, a reasonable hope, founded on the assurances of Mr. Onis, was entertained by my Government, that the Spanish Cabinet would

readily consent to forego all irritating questions; the same sentiment was, therefore, expressed in my Communication to Mr. Cevallos, and it had evidently a view to the prompt termination of the Negotiation. As to the motives which may have induced Mr. Cevallos to decline Negotiation, I am bound to consider as valid those which your Excellency has offered. They are not, however, such as he thought proper to allege, in his Note to me of September 15th, 1816; he founds his determination on a passage in Mr. Monroe's Letter to Mr. Onís, of June 10th, the very Letter in which the Secretary of State, after expressing his regret that Mr. Onís had not power to negotiate, informs him of my appointment for that purpose. How Mr. Cevallos could have construed this into a desire of the President, to remove the Negotiation to Washington, thus rendering useless the Instruction, which it was announced had just been given to me, I am wholly at a loss to conjecture; but certain it is, that no other plea was offered for the very extraordinary measure then taken, than His Majesty's desire to accede to the wishes of the President.

I understand your Excellency to intimate, that the plan of Negotiation, proposed by me to Mr. Cevallos, having been approved by His Majesty, and given to Mr. Onís, as a rule for his conduct, no change of policy, or disposition in this Government, is to be inferred from its removing the Negotiation to Washington; that it was a mere change as to place, which is not important.

On this, your Excellency must allow me to observe, that Mr. Onís himself, after he had received his Powers, confessed, in a Note of February 10th, to the Secretary of State, that he was entirely ignorant of what had passed between Mr. Cevallos and me. If you will revert to the Correspondence, you will find abundant proof that Mr. Onís was not placed in the situation which you have supposed.

In my Note to Mr. Cevallos, of August 26th, 1816, I told him, that I was "*specially instructed to discuss and to settle.*" In that of September 19th, that I could in "*no case be under the necessity of referring to my Government for future Instructions,*" &c. I expressly asked the Minister whether it was His Majesty's intention to place Mr. Onís "*in a position equally favorable to the speedy adjustment of our differences?*" Mr. Cevallos did not pretend that such was his intention; and, in fact, we find by Mr. Onís's Correspondence, in several places, but most distinctly in his Letter of February 21st, to the Secretary of State, that he had no Instructions whatever. In that of February 10th, he even makes conjectures as to the mode in which they may have miscarried; in that same Letter, he also makes conjecture as to the motives which his Government may have had for transferring the Negotiations to Washington. And thus, Sir, it is also made evident, that Mr. Onís has sent home for Instructions, because he had them not;—not because he has made any new discovery as to

the views of the American Government, with respect to the mode of conducting the Negotiations.

Certainly, after all the discussions, which had taken place upon all the points in contest between the 2 Countries, it was no extravagant expectation in the Government of The United States, that the Spanish Government was prepared for an Arrangement, and that no more time was to be lost, in reconsidering matters, which had been so often considered. Yet, withal, in consenting, in the year 1816, to treat in this way with Mr. Onis himself, on the great question of Boundaries, the Claims of The United States, on that point, are very particularly insisted on in the Secretary of State's Letter to Mr. Onis, of June 10th of the same year. I beg leave to call your Excellency's attention to that Letter. It was, after that attempt to settle the point had failed, from the impossibility of coming to an agreement, created by the very extraordinary pretensions set up by Mr. Onis, and after he had declined to enter into any Negotiation for the Claims of The United States, on account of spoliations and the suppression of the Deposit at New Orleans, that the Secretary of State wrote to him the Letter of January 25th, which your Excellency has quoted; and even in that very Letter, he anew invites Mr. Onis to negotiate on the points mentioned in his preceding Letter of January 14th.

Your Excellency will see then, that the American Government has never avoided discussion, when it might tend to any useful purpose, but that it has avoided all controversy, which could produce nothing but irritation, and that it declined to continue to agitate these questions with Mr. Onis, only when it saw that he had no authority to terminate them by an Arrangement.

Had Mr. Cevallos made to me the proposal which your Excellency now makes, I had readily accepted of it, and I presume that it might have led to an happy result; but by the course which that Minister took, I have been left in a situation of peculiar delicacy; and of this, I perceive, that you are fully aware. It is not in my power to treat these subjects now, as I would have treated them at that time; this were to re-transfer the Negotiations to Madrid, the inconveniences of which I have pointed out in my Note of the 19th instant: to this purpose my Instructions are not competent. It is, therefore, that, though animated by the same conciliatory dispositions which are manifested by your Excellency, and though equally anxious to contribute to the desired result, I have yet felt myself obliged to confine myself to the simple proposal contained in my last Note.

You are now occupied in forming Instructions for Mr. Onis, which, as you are pleased to explain, are to be calculated to enable that Minister to conclude a Treaty with the Government of The United States, on principles of reciprocal accommodation, without renewing contro-

versies, with which both Parties ought to be completely fatigued. That being so, it will be quite easy, as appears to me, for your Excellency to accede to my proposal.

Your Instructions render discussions at Washington unnecessary; they cannot then be necessary here; they will contain in effect the terms of a Treaty. The same may then be proposed here, with a view to saving of time, and to avoiding the possible delays pointed out in your Note of the 16th. You will, of course, found your Instructions on a thorough knowledge of antecedent discussions. I, on my part, am fully informed on the Claims of my Government. You are also well acquainted with the extent of those Claims, and of the ground on which they repose. I can have nothing new to offer to you on the subject. We bring into our Communications a reciprocal spirit of conciliation, and a mutual conviction, that the questions in dispute are susceptible of an adjustment, which will establish on a solid foundation the friendly relations between the 2 Countries. Your Excellency cannot fail to conform to the wishes of your Sovereign, whose daily orders you have the advantage of receiving. And I, on my part, doubt not, but that in accepting an Arrangement, which shall secure the rights and honor of The United States, I shall meet with the approbation of my Government.

I renew to your Excellency assurances, &c.

H. E. Don José Pizarro.

G. W. ERVING.

No. 5.—Don José Pizarro to Mr. Erving.

(Translation.)

SIR,

Palace, 17th August, 1817.

I ANSWER to your esteemed Note of the 29th ultimo, and to conform with your wishes, I shall proceed to present you in this Letter, with my ideas as to the plan of an Arrangement which may at once terminate in a friendly way, with reciprocal utility, and without leaving seeds of discord for the future, all the questions pending between the 2 Governments. My desire to please you induces me to make it in this form, although I am persuaded that any method of proceeding is premature, which deviates from that indicated in your Letter of August 26th, of the last year, and that the sure method of arriving at the Arrangement desired, is, as I had the honor to tell you in my Note of the 16th June last, "to take for our guide the perfect knowledge of the right of each Party, modified by considerations of reciprocal utility."

Allow me to observe, first of all, that what you are pleased to express in support of the mode of thinking of your Government, as to the points of discussion having been exhausted in the Negotiation at Aranjuez in the year 1805, does not appear to me to be altogether well founded, for since that epoch, so great is the mass of Documents

and authentic and indisputable proofs, as well French as Spanish, which His Majesty has collected respecting the subjects of that discussion, and particularly relative to the Western Boundary of Louisiana, that I doubt, whether there be a point which is susceptible of more exact and rigorous demonstration than the determination of the dividing line, which has separated, and separates Louisiana from the Province of Texas and other Spanish Possessions in that part of the Continent, as I will have the honor to show you, in the event of our entering particularly into the examination of this question.

On the other hand, as I have already intimated in my Note of the 27th ultimo, and as you have previously acknowledged in yours of the 26th August, the circumstances that have occurred since the year 1805 have considerably altered the state of the question, in nearly all the points of controversy.

To be convinced of this, it will suffice to reflect on the augmentation, since that period, of the Claims for Indemnity on account of losses, injuries, and harm suffered by the Government and Subjects of the 2 Countries, in consequence of the excesses committed by Individuals of both Nations, against the Law of Nations and the existing Treaty. You, on your part, in your aforementioned Note of the 26th August, indicate some of these, and I will not enter here into the details of those which His Majesty and Spanish Subjects have to reclaim on their part, not only because this detail would be now inopportune, but because the Claims on both sides are to be subjected to the examination and judgment of the Mixed Commission, which may be established to decide on them.

Besides this, posterior to the year 1805, the extraordinary event has occurred, of His Majesty's having been unexpectedly deprived in the year 1810, during his captivity, of the pacific possession in which he was, of that part of West Florida, which is between the River Iberville, the Lakes Maurepas, Pontchartrain, and Bourne on the one side, and the River Perdido on the other. When the indisputable property of His Majesty in the said Territory was demonstrated, it was proved that Spain did not acquire it of France in 1763; that she received it of England in 1783, by a solemn Treaty; that it was not and could not be comprehended in the "*retrocession of Louisiana*" made to France in the year 1800; that the Government of France "*has declared so, officially,*" and in the most solemn manner, as well to Spain, as to The United States; that the Vth Article of the Treaty of 1778, between France and The United States, opposes itself expressly to the *acquisition by France*, (though she had attempted it,) of said Territory from Spain in 1800; that the Royal Cedula of His Majesty issued in Barcelona, on the 15th October, 1802, for the delivery of Louisiana, (which Royal Celuda was in the hands of the French Government before The United States thought of acquiring

the Colony,) did no more contemplate the delivery of Territory East of the Mississippi, than it did that of the "*Island of New Orleans.*"

To these grounds which *have* established and do establish, in the clearest manner, the property of His Majesty in the said Territory, may be added those of his pacific possession without interruption. The delivery of Louisiana took place without the least idea having occurred to the French Commissioners who received it of His Majesty, for the purpose of delivering it to The United States, of aspiring to the possession of the Territory between the Iberville and the Perdido; Spain continued, in the years following the delivery, exercising over it all her authority, and The United States respected this possession: a certain Custom House Regulation of The United States, in the year 1804, which seemed to contain some expressions susceptible of an equivocal meaning, as to the rights of His Majesty in the Territory of Mobile, were reclaimed against on the part of the King, and The United States agreed to give a satisfactory and honorable explanation, as to the said expressions. Whatever might be then in that state of things, the pretension of right which might be formed against it, it did not appear to conform to the principles universally acknowledged to enforce that pretension *by means of acts*,* and in truth, it was a painful duty for the faithful Ministers of His Majesty on his return from his captivity, to explain to him by what means and circumstances he had been deprived of the peaceful possession of the greater part of West Florida without War, or any stipulation which could authorize the same, having preceded it.

The King, attributing this extraordinary event to the circumstances also extraordinary of the epoch which had intervened, flattered himself that The United States would not defer placing things in the state which they were in, at the time he left his Dominions, and the invasion of the Peninsula by Buonaparte. The glory, and even the interests of The United States might equally incline them to this restitution; for a recent and costly experience has made the World see that there are no acquisitions of Territory, however extensive, which can compensate the advantages to result from the reputation which those Governments acquire, who regulate their operations by principles conservatory of order and justice.

With these ideas, the King directed his Minister at Washington, that, before he entered into the discussions which had remained pending, he should solicit the restoration of affairs in the State in which they were at the time of his absenting himself. This preliminary step appeared correspondent to the decorum of His Majesty, and The United States could not fail to acknowledge it to be so, it being very certain that the delicate honor of the American Government would not consent, in a similar case, to enter into other Negotiations, find-

* Note. *Vias do hecho*:—in French phraseology, *voie de faits*.

ing itself inquired in the pacific possession of even one mile of its acknowledged Territory, without first soliciting and obtaining the due restoration.

Notwithstanding this, and that the Answer of the Secretary of State, of 19th January, 1816, is far from containing the satisfaction and restoration which Spain had reason to expect; His Majesty, to give unequivocal proofs of his moderation, and of his friendly dispositions towards The United States, without renouncing, as he does in no way renounce, nor will renounce, unless in the case of some compromise, the right of property and possession which he has in the said Territory, has judged fit not to insist on his demand for the present, in the hope that this point, though in its nature it ought to be preliminary, may enter into the general Arrangement with the others; but your penetration will acknowledge readily, that on this essential point, as in others, the state of the question is not what it was in the year 1805, new occurrences of such importance having taken place since that period.

You ought not then to be surprised, that Don Luis de Onís, seeing himself in the necessity of omitting all discussion, as well on the points already discussed, in the year 1805, as on the more recent occurrences, and invited to give his judgment on plans of adjustment presented by one or the other Party, should believe that the Instructions which he previously had, were insufficient, and even the intimation *advice* conformable to the contents of your Note of 26th August, which was remitted to him with the Powers; and that in this state he conceived himself without Instructions to treat in the mode which, from the commencement he knew would be agreeable to that Government: for though you are pleased to say, that it was by the Note of the Secretary of State of January 25th, that Senor Onís might observe that it was desired to avoid all further discussion, I observe by the Letters which I have from that Minister, that on the 6th of January he received the Powers of His Majesty, and that on the 10th of the same month, he advises that the Secretary of State had already in verbal conference, expressed his opinion, that discussion was useless, and that he had desired proposals and plans of arrangement to be made out, which were already making out on the 12th.

But leaving aside these incidents, which will be settled by the transmission of competent Instructions to Senor Onís, I go on to propose to you, as I have offered, the principal conditions of an Arrangement, which, in my opinion, may terminate with reciprocal satisfaction, the pending questions. Although these will be sufficient to explain my mode of thinking, you will probably notice that, in some points they are diffuse, where I have thought it necessary to allude to the right from whence proceeds the proposal made, and that in other places they are succinct, where I have thought that

[1817—18.]

details may be omitted for the present, which it will be necessary to enter into afterwards, if it be agreed to put in form the transaction, to clothe it with the correspondent authority ; in which case we shall draw it out by common consent, in terms appropriate to our purpose.

Project of Conditions or Articles of Arrangement.

1st. His Catholic Majesty, and The United States, carrying into effect, the Convention which is pending since the year 1802, oblige themselves to the reciprocal indemnification of the losses, injuries, and prejudices produced to the Government, or Subjects of either Country, in consequence of excesses committed by Individuals of either Nation against the Law of Nations, or the existing Treaty ; comprehending in this reciprocal obligation, not only the epoch to which the said Convention of 1802 refers, but also indemnities for posterior excesses of the same kind, committed by individuals of either Nation, from such epoch till the day in which the present Convention shall be settled and signed.

2nd. To admit, to qualify, to judge, and definitively to decide, on the Reclamations of this kind which shall be presented, as well on the part of the Government and Vassals of Spain, as on the part of the Government and Citizens of The United States, a Commission of 5 Members shall be created, of which 2 shall be freely nominated by the Government of The United States, and 2 in the same manner by the Government of His Catholic Majesty, and the 5th by mutual consent ; and in case both Governments cannot agree on the Person to be designated for the 5th Commissioner, 1 shall be named on each side, and the final election of 1 of these be decided by lot ; but the 2 Persons so named shall have the following qualifications : 1st. They shall be neither Spaniards nor Citizens of The United States, either by birth or naturalization. 2nd. They shall be by their profession and actual occupation, Judges, such as in Maritime and Commercial States are accustomed to examine and decide in matters of Public Law and Maritime Affairs, whether from France, England, Russia, Austria, or the Low Countries. 3d. The nomination of the Person shall be accompanied with a Certificate of the Government of the Country to which he belongs, by which shall be accredited the opinion there entertained of his integrity and sufficiency, of his quality and actual employment of Judge in the said matters, and with a certainty that he may have permission to discharge the duties of the Commission, in case the lot should fall on him.

In case the American Government shall prefer that the Commission be composed of 7 Persons, then the 5th, 6th, and 7th, shall be elected by the same method, and have the same qualification as are indicated for the 5th in this Article.

3d. The substance of the 2 preceding Articles, is taken almost literally from the Convention drawn up in 1802; and from the same Convention may be taken, strictly to the letter, all that is expressed in it, respecting the rules which the Commission is to observe from the moment of its installation, till its dissolution after the faithful and impartial discharge of its duty.

4th. His Catholic Majesty has no difficulty in consenting also, that the same Commission should decide on the Reclamations arising from the losses said to have resulted from the suspension of the Deposit at New Orleans, decreed by the Intendant of Louisiana in the year 1802, in the part of his Decree which is reputed to be contrary to what is stipulated in the Treaty of 1795; provided it is not desired to attribute to said suspension, the prejudices produced by false rumors of a suspension in the Navigation of the Mississippi, which never existed; and the rumors of an early rupture, which some bad intentioned Persons delighted to propagate at that time, in the Territory of The United States; for the bad effects and prejudices resulting from such false rumors, can only be attributed to the authors of them.

5th. His Catholic Majesty having received from the Government of France on different occasions, the *official and explicit declaration*, that the injuries supposed to have been brought on the Government and Citizens of The United States by the French Corsairs, Agents, and Tribunals on the Coast of Spain, had been comprehended and settled with all others, in a Convention made in 1800, between France and The United States, respecting the Reclamations of the American Government, it follows as well from this circumstance, as from others which were previously manifested, that this point should be excluded altogether from the pending Negotiations. But, if the Government of The United States, still insist in not considering itself satisfied for the said injuries, the natural course and order of the business appears to be and has always been, that the American Government should apply on it to the Government of France, (to whose advantage, and to that of its Subjects, the product of those depredations, if they existed, was converted,) and His Majesty fulfilling on his part, what is provided by this case, by the VIth Article of the Treaty of 1795, obliges himself to *employ his efforts in union with The United States, to reclaim and cause to be restored to the legitimate Proprietors the value of the Vessels and goods which were taken from them*; provided that these Reclamations have not been extinguished by the said Convention of 1800, as France has assured the Government of Spain, in its repeated Communications.

6th. His Catholic Majesty, Master of Florida East or West, in all the extension in which he received them from England by the Treaty of 1783, and which they had in possession of Great Britain

before said Treaty, will be willing, for his part, to cede them with the same extension to the United States of America, in full property and perpetual Sovereignty, provided that The United States are equally disposed on their part, to cede in the same form to His Catholic Majesty, that part of Louisiana, which is situated to the West of the Mississippi, and is the Territory which lies between said River and the well known Limit which now separates and has separated Louisiana, when France possessed it before the year 1764, and even before the death of the King of Spain, Charles II, from the Spanish Province called Texas; so that after these reciprocal Cessions are verified, the course of the River Mississippi from its source to where it discharges into the Sea, will be the only Limit of the Dominions of His Catholic Majesty and those of The United States; and though the King could wish, that in the most Southern part of said River, where it opens different branches or channels, before discharging itself into the Sea, the separating line might be continued through the principal channel which passes by New Orleans, yet, His Majesty desiring, in all that depends on him, to facilitate the Arrangement, it may be agreed and stipulated, that the dividing line in the part where the Mississippi separates itself and flows into different channels, shall be established towards the western part, placing it in the middle of the arm, or channel, called *La Fourche*, to where it discharges itself into the Sea, all the Delta, or ground of alluvion, situated on the east of said channel *La Fourche*, remaining in the power of The United States.

7th. As by the VIIIth Article of the Treaty of Utrecht, it is declared that for the future, all Cessions, Sales, Alienations of the Spanish Territory in America, shall be null and of no value, Spain herself remaining without power to make them, and England obliging herself to aid the Spaniards, that the limits of their Dominions in America, should be established and maintained as they were before the decease of King Charles II., and as the part of the Floridas situated on the East of the River Perdido, was a Spanish Possession at the time of the decease of said King Charles II., and therefore is comprehended in the said VIIIth Article of the Treaty of Utrecht, it is not in the power of His Catholic Majesty to effectuate by himself, the Cession mentioned in the preceding Article, without the previous consent and agreement of the Power, or Powers, interested in the fulfilment of the said Treaty of Utrecht; for which reason, it will be indispensable, in case that The United States shall accede to the proposed Arrangement, to solicit and obtain the said consent of the Power, or Powers interested, and the derogation on this occasion, and for this sole purpose, of the said Article of the Treaty of Utrecht, which in all other respects shall hereafter remain in full force.

8th. It shall not be permitted that Vessels employed in cruising and committing hostilities against the Spanish Government and Vas-

sals, or their commerce, shall be armed or enter armed in the Ports of The United States, and the Vessels and Effects, which such armed Vessels may take from the Vassals of His Majesty, and which may be carried into the jurisdiction of The United States, shall be embargoed and secured by the Authorities of the same, and definitively delivered to the Minister, or to the Consul of His Majesty, who may be at the nearest Place, to hold at the disposal of those who may prove that they are the legitimate Owners. And for the purpose of preventing and prohibiting clandestine Armaments, which may be made in contravention of this Stipulation, The United States promise to give the strictest orders to the Officers to whom it belongs, to watch over and frustrate all attempts of this kind, The United States obliging themselves to detain all suspected Vessels; without permitting their departure, till the suspicions respecting them shall have been cleared up, or till they have given Bonds to the satisfaction of the respective Consuls of His Catholic Majesty, guaranteeing, that they shall not commit such piracies and aggression against the Vassals of His Catholic Majesty, who, on his part obliges himself to do the same in the Ports of Spain, with respect to The United States.

9th. It being notorious that divers American Citizens, in violation of the Law of Nations, and of the Stipulations of the existing Treaty, in its Articles IX, XII, XIV and XVI, have occupied themselves for some time past in hostilities against the Spanish commerce and Subjects, under the pretext and cover of certain unknown Flags; and that others, with equal irregularity, have carried and supplied arms, ammunition, and other aid to the Rebels of some Spanish ultramarine Provinces which are in a state of insurrection; several of said Citizens having gone to the extent of taking arms, and acting openly in support of said insurrection, His Catholic Majesty does not doubt but that the Government of The United States, disapproving of the conduct of said Individuals, and animated by a spirit of justice, and of a religious observance of the Law of Nations, and of the Treaty, will oblige itself, by an Article of the present Arrangement, to promulgate, and cause to be executed, Decrees and Orders, which may restrain and prevent such excesses in future; in which way, also, may be avoided the reclamations consequent on the injuries occasioned by the same excesses. And His Catholic Majesty, in just reciprocity, will oblige himself on his part, to repress and prevent, in the same form, whatever excesses of the same, or a similar nature, his Vassals may be guilty of, to the prejudice of the Government and Citizens of The United States, or of their Commerce.

The preceding Articles or Conditions, fulfil, in my opinion, the proposed object, and embrace whatever is essential to terminate, honorably, and with reciprocal utility, the pending discussions; for

though there are some points of secondary and subaltern importance which ought also to be comprehended in the arrangement, it does not appear to be opportune to enter into them, till we are agreed on the most essential Articles; and these, if the case should happen to clothe them with due authority, we will draw out by common consent, explaining them with the clearness, exactness and precision, which is requisite in a transaction, so important in itself, and in its consequences.

By this Communication, which, pursuant to your suggestion, I have the honor to make you, as to the ideas of the Government of Spain on an arrangement, or settlement of all the pending points, you will acknowledge the disposition of His Majesty to terminate in a manner satisfactory, and reciprocally useful, the differences which have arisen; but if the American Government, or you, who have been pleased to manifest to me, that you are instructed in its intentions, should not find in this Project, the reciprocal utility which Spain has believed to exist in it; in this case, the King, constant in giving proofs of the rectitude of his intentions, proposes in the same spirit, another just, honorable, and conciliatory method, which the good faith of the American Government cannot decline; for it is that which is commonly adopted by civilized Nations, when they proceed with a sincere intention to settle in a friendly and impartial mode, their differences. This mode, by which will be also avoided the inconvenience pointed out by the American Secretary of State to the Minister Onís, arising from the difficulty of overcoming in discussions, the attachment and tenacity of each Party to its opinions, and to the pretensions which they have already advanced, is no other, than to submit on both sides, the points in question and the grounds of them, to the examination and impartial judgment of one or more Powers, friendly to The United States and to Spain, chosen by common consent, and who shall definitively decide upon the justice and extent of the pretensions of both Governments; to which end, there shall be sent by The United States and by Spain, Commissioners to inform the Power or Powers chosen for Arbitrators of their respective Rights, each engaging in advance to abide by their Decision: or otherwise that by common consent, they (the 2 Parties) should solicit the mediation of 1, 2, or more Powers, friendly to both, that by means of this impartial intervention, we may arrive at the desired Arrangement. The United States cannot but acknowledge the propriety of this proposal, which, besides that it carries with it the character of good faith, is substantially the same which in a similar case, the American Government has adopted for the deciding of points of the same nature, in the Articles IV, V, VI, and VII, of the Treaty concluded at Ghent, on the 24th December, 1814, between The United States and Great Britain.

I persuade myself that in all I have said, you will see, and your Government will also see, evident proofs of the real desires, which

animate His Majesty to live in harmony with The United States, establishing for the future an order of things of a nature to avoid the easy reproduction of motives of disagreement. I hope that you also, in the disagreeable event of not considering yourself to be sufficiently authorized to conclude with me here, the desired Arrangement in the sense of the Articles stated, or to agree to the decision by arbitration or to the mediation which I have proposed, in reporting to the Government of The United States this Communication, will think fit to support it with the observations which your known earnestness, to promote the harmony and prosperity of both Countries, will dictate; so that Don Luis de Oais, to whom will be sent Instructions analogous to the principles of justice and mutual convenience, which I have laid down in this Letter, may find greater facilities for arriving at the desired object, and thus we may both see established, upon solid and permanent ground, harmony between 2 Nations, which have the greatest interest in preserving it, and none in leaving seeds of discord, produced rather by unfortunate circumstances, than by the intention of their respective Governments.

I cannot conclude this Letter, without manifesting to you another signal proof of the friendly dispositions of His Majesty towards The United States, and that is, that the re-establishment of the *statu quo* of 1792, and the annulment of various innovations and political changes introduced by the abhorred tyrant of France in the epoch of his fatal domination, having been acknowledged by all the Powers, as a basis to secure the peace of the World; and on the other hand, it being evident the artifice with which he (Napoleon) forced from Spain, Louisiana, under pretext of an illusory exchange, as also the promise which he made, and soon after broke, not to alienate that Colony, the King, my Master, notwithstanding these considerations, and that neither the Kingdom of Etruria, nor any equivalent for Louisiana, dismembered from his Dominions, has been secured to him, or for the other sacrifices made at the same time, has abstained from making any demand on this point, on the ground of the *statu quo* of 1792; on the contrary, is disposed, if The United States desire it, to renew, by an express Article of the Convention, in which the pending questions shall be settled, the past Stipulations respecting Louisiana, correcting by this means whatever defect they might have been affected with in their origin.

I profit by this occasion to renew to you, &c.

Mr. Erving.

JOSE PIZARRO.

No. 6.—Mr. Erving to Don José Pizarro.

SIR,

Madrid, 19th August, 1817.

I HAVE had the honor to receive your Excellency's Letter of the 17th instant, in which you are pleased to communicate to me the out-

line of such a plan of adjustment of the several questions existing between the 2 Governments, as you believe to be well calculated to effectuate our common object of restoring a perfect good understanding, and laying a foundation for perfect harmony.

As in my Notes of the 19th and 29th July, I have fully explained to you the absolute impossibility in which I have been placed, by the transfer of the Negotiations to Washington, of entering with you into regular discussions, and as your Excellency has well understood, and had due consideration for the motives, which have determined the course that I have observed in this respect, I might with propriety now confine myself to the merely assuring you, that I am not able to accede to the basis which you have proposed; and taking that basis as the result of the deliberations of His Catholic Majesty's Cabinet, to the expression of my very sincere regret, that it differs so widely from what would be reasonable in the view of my Government, I might add, that even if I were authorized anew to engage in these discussions, your Excellency's Project would scarcely offer me a hope of coming to such an arrangement, as might satisfy the just expectations of The United States; for, as appears to me, in its leading features, it does but formalize the views more loosely exposed by Mr. Onís, on which the opinion of my Government has been already pronounced.

Nevertheless, I am induced, by the manner in which your Excellency has stated the pretensions of Spain, as well as by respect for your personal character, to make a few remarks upon the chief Articles of your Project, that you may thus be the more completely convinced, that it is out of my power to adopt it, and in the hope that your dispositions to conciliation may induce you to model your Instructions to Mr. Onís on a plan altogether different.

And firstly, permit me to correct a misapprehension, in which your Excellency seems to have fallen, with regard to my Note of August 26, 1816, to your Predecessor. You think that I have therein acknowledged, that occurrences which have passed since the Negotiations at Aranjuez, in the year 1805, have considerably altered the state of the question on nearly all the points of controversy. In the commencement of that Note, after announcing the disposition of the President to enter into arrangements, which should lay the foundation for a lasting good intelligence between the 2 Countries, I informed Mr. Cevallos, that I was "specially instructed to discuss and to settle" all causes of misunderstanding, as well of ancient as of recent date. I then proceeded to state the principal points, on which I was so authorized to negotiate, and, finally, more concisely to enumerate those before alluded to as of recent date: it was my intention to show, that the causes of complaint had multiplied and been aggravated, but not that the state of the question on the points which had been previously discussed at Aranjuez, had been thereby altered; nor can I now see in

the circumstances particularized by your Excellency as grounds of complaint on the part of Spain, any reason for assent to such an opinion. The Claims of Spanish Subjects on the American Government, and of the Spanish Government for *excesses committed by individual Citizens*, which you advert to as posterior to the Convention of 1802, I was wholly unaware of. Your Excellency will thus perceive, that it were impossible for me to accept of your 1st Article, providing for a species of Claims never before brought into view, and for others of a nature entirely novel; hence I may abstain from any remark on the new and difficult mode of forming a Commission by the 11nd Article. But much less could I pretend to engage my Government as proposed by your Vth Article, to relinquish its Claims on Spain for Indemnities on account of French spoliations within her jurisdiction, a Claim in its nature so indisputable; and in lieu of it resort to the hopeless resource of asking compensation from the French Government, which, as you state, has declared that same Claim to have been already satisfied.

With respect to the very important question of Limits, your Excellency observes, that since the discussions at Aranjuez, this Government has accumulated Documents, as well French as Spanish, more especially respecting the Western Boundary of Louisiana, which render that line susceptible of the most exact and rigorous demonstration. Your Excellency has not defined exactly the line so made out, nor can I pretend to have an opinion respecting these new proofs which I have not seen, but I ought to presume, that they have been long since communicated to His Majesty's Minister in America, and that he has derived all the utility from them, which they are capable of affording; nevertheless, I have not observed the effect of them in the various Communications of that Minister to the Secretary of State of The United States, wherein the question of Boundaries is discussed or touched on; and your Excellency must have seen, in the Secretary of State's Letter to Mr. Onis, of 10th June, 1816, to which, in my Note of 29th July, I took the liberty of requesting your particular attention, that the Claims of The United States, as to the Western Boundary, are not only re-asserted in such a way as to show that they have not been affected by any new evidence which has been produced, but that in the same Letter, to avoid the useless repetition of reasoning, which had not been shaken, express reference is made to the Notes of 8th March, and 20th April, passed at Aranjuez in the year 1805. Your Excellency will perceive, also, by the Secretary of State's Letter to Mr. Onis, of January 14th of this year, that even down to that date no change of opinion had been effected by whatever, either in conversation or by writing, Mr. Onis had been able to advance in favor of the pretensions of Spain on either Boundary; on the contrary, that then

the discussion was closed from the utter impossibility of coming to an agreement on the subject.

Hence your Excellency will see how little in my power it can be to accede to your VIth Article, founded on the supposition that The United States own but a comparatively small Territory on the Western bank of the Mississippi, but which, in fact, requires a cession of that vast extent, which lies between the Rio Bravo and the Mississippi, in exchange for what His Majesty owns of the Floridas; and how still less possible it were for me to accept of that Article, embarrassed with the conditions which your Excellency would annex to it by the VIIth, upon a plea which I never before heard of, and cannot now comprehend; for it appears to me that the reference which you would make, is perfectly gratuitous. Your Excellency speaks, I suppose, of that Treaty of Utrecht, which was concluded *July* 13th, 1713. I understand, that the sole object of the VIIIth Article of that Treaty was to place the commercial relations between Spain and Great Britain on the same footing which they had had in the time of His Catholic Majesty Charles II.; the more effectually to secure to Great Britain the advantages which she was to derive from that state of things, every extension of the French Commerce in the Spanish American Colonies is prohibited, and consequently any transfer of Territory directly to her, or through any other Power to her, is also prohibited. The motion for this stipulation is very clearly expressed:

"Y para que la navegacion y comercio á las Indias Occidentales queden mas firme y ampliamente asegurados."

These are the words of the Treaty and determine the construction which is to be given to the Stipulation: consequent on this and in pursuance of the same object, was the obligation which England entered into to *solicit* and *aid*, (*"solicitará y dará ayuda"*) with a view to restore the state of these Possessions to what it was in the time of Charles IInd; if perchance they had undergone any dismemberment since that period, her obligation does not go further.

"Si acaso se hallare que en algun modo, ó por algun pretexto hubieren padecido alguna desmembracion ó quiebra despues de la muerte del dicho Rey Católico Carlos Segundo."

Thus the purpose of this VIIIth Article was nothing more than to place the commerce of the Colonies, in as far as Great Britain and France were concerned, upon its former footing, and the Territorial Possession in the state it was left in by Charles the IInd; the obligation of Great Britain on this latter point ceased, of course, as soon as the object of it was attained.

With respect to the VIIIth and IXth Articles of your Excellency's Project, I will only observe, that no Stipulations can be necessary. The United States have done, and continue to do, all that their

Neutral position and good faith can require, and where the existing Laws of the Country have been insufficient, there new provisions have been enacted, as you have seen by the Law of Congress of March 3rd, (called, "*An Act more effectually to preserve the Neutral relations of The United States,*") which I have had the honor to communicate to you.

As to the alternative which your Excellency proposes, on the supposition that your plan may not be acceded to, of referring our differences to the arbitration of other Governments, it is certainly unnecessary for me to assure you that I have no powers or Instructions which can authorize my speaking on the matter.

Having, as I trust, now said enough to convince your Excellency that your Proposals are wholly inadmissible, I refrain from a variety of other observations which your Letter has naturally suggested, desiring not to agitate questions which are only fit for discussion where there is a possibility of eliciting from it the grounds of accord.

I renew to your Excellency the assurances, &c.

H. E. Don José Pizarro.

GEORGE W. ERVING.

No. 7.—*Don José Pizarro to Mr. Erving.*—(Translation.)

SIR,

Palace, 31st August, 1817.

AT the same time that I received your esteemed Note of the 19th of this month, I received your private Note of the 23rd. By the first, I have seen with pain, that you not only do not think that you are authorized, since the transfer of the Negotiation to Washington, to enter into a methodical discussion of the questions depending between our Governments, but you do not deem admissible by you, the Project of Arrangement, which, to comply with your desire, I presented in my Note of the 17th, and finally, that you can say nothing as to the arbitration or mediation which I have at the same time proposed, as the most sure means of terminating in an honorable and conciliatory mode, the existing differences. In my opinion, it were easy to combat and to dissipate the objections, which you are pleased to make to my said Proposals; but in the actual state of the business, it has appeared to me more proper, to hasten the departure of Don Luis Noeli, with suitable Instructions for the Minister of His Majesty in The United States, founded on the knowledge of the respective rights, in considerations of reciprocal utility, and in the desire of an Arrangement by honorable, impartial, and conciliatory means. His Majesty hopes, that the Government of The United States will do justice to his sentiments, and will be convinced of the rectitude of his intentions. As in your private Note you are pleased to express a desire to know the exact day of departure of Don Luis Noeli, I ought to tell you, that he will depart within 4 days, calculating from to-morrow, and that he

will take charge of whatever Commission you may put under his care, and execute it with the same punctuality as mine. I profit, &c.

Mr. Erving.

JOSE PIZARRO.

(C.)—*Correspondence with the Spanish Minister at Washington.—January, 1817, to March, 1818.*

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No. 1.—Don Luis de Onis to the Secretary of State.

(Translation.)

SIR,

Washington, 2nd January, 1817.

THE mischiefs resulting from the toleration of the Armament of Privateers in the Ports of this Union, and of bringing into them, with impunity, the plunder made by these Privateers on the Spanish Trade, for the purpose of distributing it among those Merchants, who have no scruple in engaging in these Piracies, have risen to such a height, that I should be wanting in my duty, if I omitted to call your attention again, to this very important subject.

It is notorious, that although the speculative system of fitting out Privateers, and putting them under a Foreign Flag, one disavowed by all Nations, for the purpose of destroying the Spanish Commerce, has been more or less pursued in all the Ports of the Union, it is more especially in those of New Orleans and Baltimore, where the greatest violations of the respect due to a friendly Nation, and if I may say so, of that due to themselves, have been committed;—whole Squadrons of Pirates having been out from thence, in violation of the solemn Treaty existing between the 2 Nations, and bringing back to them the fruits of their Piracies, without being yet checked in these courses, either by the reclamations I have made, those of His Majesty's Consuls, or the decisive and judicious Orders issued by the President for that purpose.

The American Privateer *Swift*, which, as I mentioned to you, in my Note of the day before yesterday, had captured, under the name of the *Mongore*, and the Flag of Buenos Ayres, the Spanish Polacre *Pastora* just arrived at New Bedford, is now in Baltimore River, and her Captain, James Barnes, who has so scandalously violated the Laws of Nations, the Neutrality of this Government, and the existing Treaty, has had the effrontery to make a regular entry of his Vessel at the Custom House of Baltimore, declaring his Cargo to consist of bales and packages containing silks, laces, velvets, and other valuable articles, all, as you may suppose, plundered from the Spaniards.

The three masted Schooner, called the *Intrepid*, lately arrived at New York, from Montevideo, is, as His Majesty's Consul there in-

forms me, the Spanish Vessel called the *Leona*, captured off Cadiz, by the Schooner *Orb*, of Baltimore, whose Armament I denounced to you at the time, and communicated the positive information I had received, that her object was to cruize against the Subjects of the King, my Master. This Pirate (for that is the name by which both Nations have agreed to consider a Privateer of this description) was armed at Baltimore, manned by Subjects of this Republic, and commanded by a Portuguese called Almeyda, an American Citizen.

The Schooner *Leona*, now at New York, under the name of the *Intrepid*, and ostensibly owned by one Miffing, at Philadelphia, had on board, when captured, 30,000 dollars in specie, 300 boxes of sugar, some grain, with other property, belonging to Moreno, De Moro, and others, Merchants at Cadiz; and had a Cargo of jerked beef, and other articles, belonging, as I have heard, to the Merchants in Baltimore, who furnished the funds for equipping the *Orb*.

The Consul at New Orleans informs me, that the Pirate Mitchell, with the Vessels under his command, fitted out by different Merchants at that Port, of whom a Mr. Dupuy is supposed to be the principal, has lately taken several Spanish Prizes to Galveston, and that from the proceeds of their sales, he has remitted to the said Deputies, 105,000 dollars, which he has deposited in the Bank of Louisiana, after deducting the shares of the Captain and Crew, amounting, as is supposed, altogether, to 200,000 dollars. The same Consul adds, that 2 of the Prizes, one from Campeachy, and the other from Guatimala, were burnt, and their Crews landed by that savage monster, near Boquilla de Piedras, that they might be, as they actually were, put to death by his great friend, Villapinto, a noted rebel ringleader, who, being pursued by the King's Troops, had retreated to the Sea shore to make his escape. Of 90 Men composing these Crews, only 9 were saved.

The Consul at Norfolk informs me of the arrival there, of a Privateer Schooner from Buenos Ayres, one of several fitted out at Baltimore, and wholly owned there; that, from what he has been able to ascertain, among other Vessels, she plundered a Spanish Ship, laden with a Cargo of Cochineal, Indigo, and Specie, to the amount of more than 200,000 dollars—and proceeded to Baltimore to divide the spoil among the concerned. The said Consul, in the discharge of his duty, and exercise of his rights, addressed an Application to the Collector of the Customs, Copy of which is annexed, and also of the Answer of the Collector, by which you will perceive that he declines this just reclamation. I could cite innumerable other cases, as well attested as those I have just stated, but I omit them, as their detail would fatigue you, without tending to demonstrate more effectually, that they proceed from the non-observance by the Officers of this Government of the President's Proclamation, and of the Treaty of

Limits and Navigation between the 2 Governments: Although His Majesty has too much confidence in the rectitude of the President, to doubt that due compensation will be made for these injuries to his Subjects, on the same principles as have been observed by His Majesty, on other occasions, towards The United States, yet, I cannot omit requesting, in his Royal Name, that in the meanwhile, the President may be authorized to take the most energetic measures required by the case, to put an end to these practices, and that he would be pleased to cause the Vessels I have before-mentioned, to be confiscated together with their Cargoes—and security to be given by Mr. Dupuy for the amount of his Deposit in the Bank of Louisiana, as being the proceeds of the Spanish Prizes made by the Pirate Mitchell; and that as a general measure, every Privateer coming into these Ports under a Flag not acknowledged, be detained and sequestered, to be made responsible for the depredations committed by it.

I trust that the President will be the more disposed to accede to this request, as, in addition to its justice, it is strictly conformable to his friendly sentiments towards my Sovereign, and the humane principles by which he is characterized.

I renew to you, &c.

The Hon. James Monroe.

LUIS DE ONIS.

(Enclosure 1.)—*The Spanish Consul to the Collector of the Customs at Norfolk.*—(Translation.)

SIR,

Spanish Consul's Office, Norfolk, 16th Dec. 1816.

ON seeing an armed Vessel in this Harbor, in front of the Town, displaying a Flag unknown to me, and I will venture to say, unknown to The United States, and at any rate not recognized by them; and there being no doubt that this Vessel is one of those known to be committing great depredations at sea on the Spanish trade, and frequently, also on Ships of all other Nations, not excepting those under the Merchant Flag of these States; I have thought it my duty to apply to you to request you to give me some information respecting said armed Vessel; her character and nationality, and under what authority she navigates the Seas as a public or private Ship of War; who commands her, and how she is manned, and in what light you view her in your official capacity?

In making these inquiries of you, I hope that you will only see a desire on my part to acquire information upon a question of vast importance to the commerce of Spain, as it affects materially the safety of her merchant Ships: whether or not those sea plunderers are to find an asylum in the Ports of The United States, which would so greatly increase the means of carrying on their spoliations. I am confident that it is not the wish of this Government to afford any sort of protection to a set of men, (for the most part Foreigners to the

Country they pretend to serve,) who avail themselves of the dissensions which unfortunately prevails between Spain and some of her Colonies, to exercise their merciless rapacity upon the inoffensive merchant, not only of Spain, but in many instances of other Countries; and I am too well acquainted with your own character to suppose that you would be inclined to favor them. Indeed, the intentions and good disposition of this Government towards Spain, are rendered manifest in the President's Proclamation of the 1st September, 1815; and it is there forbidden to American Citizens to take any part in the contentions between Spain and some of her distant Possessions; and it is enjoined on all Officers, civil and military, under the Government, to be vigilant in searching out and bringing to punishment, all such Citizens as shall act contrary to the intent of said Proclamation; and there being a report in Town that many of those composing the Crew of the Vessels in question are Americans, I have thought it necessary to call your attention to this point, not doubting that you will consider it as meriting your particular examination.

I will conclude by availing myself of this opportunity to assure you of the great respect, &c.

Charles K. Mallory, Esq.. ANTONIO ARGOTE VILLALOBOS.

(Enclosure 2.)—*The Collector of the Customs to the Spanish Consul at Norfolk.*

SIR, *Collector's Office, Norfolk, 16th December, 1816.*

I HAVE had the honor to receive your Note of this morning. In respect to the Vessel, which is the subject of it, I deem it necessary only to remark, that she is recognized in this Office in no other character than that of any other Foreign Vessel arriving in our waters from a Foreign Port; that my duty does not require of me to request her Flag, so far as to make it a criterion or condition of her admission into this Port, and that I shall take care in this, as in other cases, to see that the Laws of The United States and other Regulations of the Government, so far as they come within the sphere of my authority, be duly observed.

I reciprocate the sentiments of respect, &c.

Don Antonio Argote Villalobos. CHARLES K. MALLORY.

No. 2.—*Don Luis de Onís to the Secretary of State.*—(Translation.)
SIR, *Washington, 15th January, 1817.*

ON the 1st instant, I informed you of the arrival at New Bedford of the Spanish Polacre *Pastora*, captured by the American Privateer *Swift*, under the name of the *Mongore*, and the Flag of Buenos Ayres, commanded by a Captain Barnes, a Citizen of these States. Two days afterwards I addressed to you another Note,

stating the arrival in the River and Port of Baltimore of the said Privateer, with the booty piratically plundered from the Subjects of the King, my Master, and requesting that you would be pleased to obtain of the President such orders, as would most effectually insure the confiscation both of the Vessel and of the Privateer, that they might be made answerable for the damages justly claimed by the Owners of the property. Although I am persuaded, that it is the multiplicity of business that has prevented your answering my Notes, yet I cannot doubt, that the President will have given the orders I requested in them. Notwithstanding this, and the application made by His Majesty's Consul at Baltimore, in the discharge of his duty, to the Attorney for that District, a Copy of which is annexed, I regret to announce to you, that the Collector and the aforesaid Attorney, have thought fit to allow the said Pirate to depart, and that, after having ascertained that fact, the said Attorney wrote a Note to His Majesty's Consul, Copy of which is enclosed, inviting him to call at his house to confer with him on the subject of his Note.

It is not my wish to trespass on your attention with the reflections, that are naturally produced by such notorious proceedings, nor pointedly to notice the incivility of the Attorney for that State towards a Consul of my Nation; my only object is to bring to your view what has occurred in the case of the Vessel, that, by submitting it to the President, he may be convinced, that the injuries sustained by the King's Subjects in these Ports, by the violation of the existing Treaty between the 2 Nations, which has the force of a Law, are daily augmenting, and that the more they are diffused, the more difficult will it be hereafter to adjust the Indemnities due to His Majesty's Subjects.

I trust, Sir, that you will only see in the step I now take, a continued proof of my desire to restore that good understanding and sincere sense of justice between the 2 Countries, which form the basis of real harmony in every Society, and that you will, therefore, be induced to give this subject all the attention due to its importance.

I beg leave to renew, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 3.—*Don Luis de Onis to the Secretary of State.*—(Translation.)
 Sir, *Washington, 16th January, 1817.*

I HAVE just received information from the King's Consul at New Orleans, of the capture, within sight of the Balize of that Port, and at little more than musket shot from the land, of the Spanish Schooner *Hipolita*, Captain Don Buenaventura March, by the Pirate *Jupiter*, under the Margarita Flag. To enable you fully to judge of the atrociousness of this capture, manifestly in violation of the Territory of The United States, I have the honor to enclose the Declaration of the [1817—18.]

Captain of the said Schooner, made before His Majesty's Consul at the aforesaid Port; by which it appears he was at anchor in the Pass of the Mississippi, and with *Pratique* from the Balize, on board, when he was boarded by the aforesaid Pirate, and so inhumanly treated by him, as to be left weltering in his blood on the deck.

It would be superfluous to affect your sensibility by a detail of the multiplied injuries and outrages incessantly sustained by His Majesty's Subjects, in these Ports; they have already been admitted by the President in his Message to Congress, recommending the adoption of such measures, as in their wisdom may appear best calculated to repress them; thereby offering to the King my Master, a pledge that his Excellency admits the necessity of indemnifying them as far as possible. It is, however, with great regret, that I have to remark on the delay in carrying such urgent measures into execution, and that the injuries complained of, have not been prevented by a due observance of the Laws of Nations, and of the existing Treaty, which, by the Constitution, has the force of a Law in all the Courts, in consequence of its Ratification by the President and the Senate.

I pray you Sir, to accept, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 4.—Don Luis de Onis to the Secretary of State.—(Translation.)
 SIR, *Washington, 16th January, 1817.*

I HAVE just learned, with the greatest satisfaction, that the Marshal of Baltimore has despatched a Boat with a picket of Soldiers in pursuit of the Pirate *Mongore*, which has been brought back to that Port, in conformity to the orders which I had flattered myself would have been issued by the President. I shall lose no time in giving an account to His Majesty, of the friendly dispositions manifested by this Government, and add the hope, that this evidence of it, will be the forerunner of sentiments calculated to remove every shadow of misunderstanding between the 2 Governments.

I offer you, Sir, the renewed assurances, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 5.—Don Luis de Onis to the Secretary of State.—(Translation.)
 SIR, *Washington, 10th February, 1817.*

IN addition to the Schooner *Hipolita*, which I informed you in my Note of the 16th of last month had been captured by the Pirate *Jupiter*, in the Pass of the Balize of New Orleans, at anchor, within musket shot of the land, I have just received official notice of the capture by the same Pirate, of the Spanish Brig, called *Reyna de los Angeles*, proceeding from Campeche. This Vessel was also at anchor in the Balize, very near the land, and with the Pilot on board to ascend the River, but no consideration was sufficient to restrain

that Pirate, in his injustice. I am informed that Commodore Patterson, in consequence of the Reclamation made by the Consul of His Majesty, in the said Port, has despatched a Vessel in pursuit of her, and there are appearances that he will succeed in rescuing the Prizes, and placing them at the disposition of their Owners; but you cannot but know, that if the perpetration of this crime go unpunished, as has been the case on other occasions, or if their escape is permitted, as has happened in Baltimore, with the Captain and Crew of the Pirate *Mongore*, neither the Vassals of His Majesty will be able to obtain the evidence which might be drawn from their Declarations, in order to reclaim their property, nor the crimes discovered that they may have committed, nor the number of these Robbers be diminished, who so highly compromit the Neutrality of the Government, robbing indiscriminately, the Vessels of all Nations, confident that all the harm that can happen to them is, that they should be deprived of some of the proceeds of their Piracies.

In proof of the solidity of these assertions, I ought to add, that at the time these Captures took place at New Orleans, in violation of the Territory of this Republic, General Humbert, the Chief of a band of Robbers, armed and equipped, in the Province of Louisiana, who had occupied Galveston, had arrived at New Orleans, to solicit provisions and munitions for that Establishment. Not only have they been sent under the American Flag, but the Agent, M. de Souvinet, has bought a Brig with the products of the robberies of these Pirates, which are now deposited in the Bank of Louisiana, amounting to 180,000 dollars, as you will see by the annexed Paragraph of the Gazette of New Orleans; and this Vessel is preparing to carry more provisions and munitions to that Establishment, and to take back to The United States, the spoils of the Spaniards, which are not considered secure, in that place.

In the Port of Baltimore, the Brig *Peace*, (*Paz*) mounting 16 guns, commanded by Captain Stafford, well known for having before commanded the Privateer Schooner *Maria*, which was confiscated in Port au Prince, has been lately bought for the purpose of cruising against the Spanish commerce. According to information which I have received, the Brig called *The 4th of July*, has gone out of that Port with the same object, commanded by Captain Watkins, and armed by order of the famous Thomas Taylor, Commissioner of Buenos Ayres; finally, the Schooner *Romp*, whose outrages and piracies are of public notoriety, has again sailed for Norfolk, with the design of equipping there, to proceed again on her cruise.

I consider it my duty to make you acquainted with all these acts, which are in manifest contravention of the Treaty existing between the 2 Nations; to the end that the President, giving them the consideration which they deserve, may issue the Orders that may ap-

pear to him best adapted to restrain them, until Congress determines to destroy them at the root, whereby the commerce of all Nations may be secure.

I renew on this occasion, the assurances, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 6.—*Don Luis de Onis to the Secretary of State.*—(Translation.)
SIR, *Washington, 11th February, 1817.*

WHEN I had the honor to communicate to you, that in virtue of the Orders which the President had sent to the Marshal at Baltimore, the Pirate *Mongore* had been detained and embargoed in that Port, I had a right to believe that the Marshal, as well as the Attorney of The United States, would have caused the Captain and Crew to be immediately arrested, to take from them the Declarations which public vengeance, and the interests of Spain, as well as of this Government, required, to ascertain the Names of the Vessels plundered by that Pirate, the depository of the effects, and the fate of the Spanish Crews.

You may consider what was my surprise on receiving positive information, that the Marshal has liberated the Captain and Crew of that Pirate, that he has not proceeded to take from them any Declaration, and has even permitted that the *Mongore* should go to Sea again, under bond, to commit her Piracies. The said Vessel is yet in the River, stopped by the ice, and her Captain, Barnes, very tranquil in his house, occupied in taking out of it, publicly, the effects plundered by him, which, it is calculated, exceed 80,000 dollars in value, without any impediment being put to his proceedings by the Authorities at Baltimore.

It is extremely painful to me to interrupt your attention so often, on such unpleasant subjects; but I should be wanting in my duty if I should delay to inform this Government of the manner in which the Orders of the President are eluded in Baltimore, in order to heap injury upon injury on a friendly Nation, and promote the revolution of its Provinces. In vain will it be alleged, in order to cover this proceeding, that the Laws are not sufficient to pursue, without positive evidence, those Citizens who commit hostilities against Spain: the Treaty which exists between the 2 Nations is a Law of the Republic, and no Tribunal can decline its observance. The proofs of its infraction cannot be more manifest or decisive: the Spanish Schooner captured by this same Vessel, which is permitted to go out to Sea, is now in a Port of this Union, the effects on board of the one and the other belonging to the King's Vassals; the Seamen, the Log-book of the respective Vessels, and the Captain himself, ought to give all the evidence that justice requires, to decide: if these are not examined, on the equivocal pretext that they cannot be found, or that there is no

evidence for proceeding against them, the consequence will be the continuation of an organized Piracy for the robbery of all Nations; that public vengeance will remain unsatisfied; and humanity exposed to all the horrors of such highway Robbers.

I cannot do less than repeat my solicitation to the President, in the name of the King my Master, that the Corsair *Mongore*, may be secured, that the effects found on board may be deposited, as well as those which may have been already discharged from her, that the Papers on board be examined, as well as the Journals, Crew, and Captain, and that it be proposed to make all the investigations, that would, under similar circumstances, be made in Spain, if a like case should occur to The United States, in order to remedy the damages, and prevent their repetition.

I flatter myself that you cannot fail to find my solicitude just, and that the President will accede the more cheerfully to it, as it is agreeable to the sentiments of humanity and impartiality, which characterize him, and to the desire which he has manifested to me to strengthen the bonds of friendship with my Sovereign.

I renew the assurances, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 7.—Don Luis de Onis to the Secretary of State.—(Translation.)
Sir, Washington, 12th February, 1817.

AFTER my Official Letters of the 10th and 11th of this month were written, I received advice from Baltimore, that Captain John Chase was now there, and that it was understood that he had left the command of the Privateer *Potosi*, (alias the *Spartan*, of Baltimore,) and likewise, that there were in that City more than 30 Officers and Sailors, who had belonged to the said Privateer, and who had come there for the purpose of claiming from the said Chase, their portion of the Prize Money from the Spanish Ship *Ciencia* of which they had taken possession at Sea, in the manner you will see detailed in the Declarations of 4 of the Sailors of the said Privateer, Copies of which are enclosed.

This, without doubt, is a Case which merits all your attention, as it is proved, in the most positive manner, that a certain number of American Citizens had armed and equipped a Vessel in Baltimore, had gone to Sea in her, and had committed an act of hostility against Spain, contrary to the Laws of Nations, and in violation of the XIVth and of other Articles of the Treaty existing between the 2 Nations; thus compromising the dignity of The United States, which cannot but disapprove such conduct, and violating the rights of the King my Master.

The Consul of His Majesty in Baltimore, has, without loss of time, proceeded judicially against the before-mentioned John Chase

by soliciting his arrest, and at the same time is taking measures to attach, in the hands of Mr. Didier, Merchant, of Baltimore, twenty odd thousand dollars, which it is known he has received from the said Prize; but I see at once that all the efforts of the Consul will be in vain, unless this Government interpose all their authority, by giving the proper orders for vindicating their own dignity, which has been compromised by the atrocious conduct of these bad Citizens. I do not deem it necessary to repeat to you the many observations I have had the honor to make to you upon various occasions on occurrences of this kind: and I therefore limit myself to asking of you to communicate this Case to the President, who, I ought to expect, will take such measures as he may think best adapted to the correction of this disorder, and for doing justice to the aggrieved Party.

I renew to you my respects, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 8.—Don Luis de Onis to the Secretary of State.—(Translation.)
SIR, Washington, 22nd February, 1817.

In confirmation of what I had the honor to state in my Note to you of the 12th instant, I now enclose a List of the Articles which Mr. Henry Didier, a merchant of Baltimore, has landed there, under the usual forms of the Custom House, from on board the American Schooner *Remittance*, Captain James Rogers, from Aux Cayes, they being the same which had been plundered from the Spanish Ship *Ciencia*, by the Privateer *Potosi*, Captain James Chase, by whom they were transhipped on board the said Schooner, and consigned to the above-mentioned Didier.

In consideration of these proofs, I trust that you will be pleased to obtain from the President the necessary Order to effect the delivery or security of this property, for the benefit of its lawful Owners, and that you will have the goodness to advise me of the same for my government.

I renew to you my respects, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 9.—Don Luis de Onis to the Secretary of State.—(Translation.)
SIR, Washington, 28th February, 1817.

THE Session of Congress being within 2 days of closing, and the Senate having not given its Assent to the Bill passed by the House of Representatives, for the purpose of putting a stop to the Armaments making in different parts of the Union, in violation of the Laws of Nations, and of the Treaty existing between His Catholic Majesty and this Republic, I have considered it my duty to represent to you the injuries resulting from this delay to Spain, and likewise to all the Nations of Europe; to the end that, if the President

sees fit, he may be pleased to cause this subject to be taken into serious consideration.

I renew to you my respects, &c.

The Hon. James Monroe.

LUIS DE ONIS.

No. 10.—Don Luis de Onis to the Acting Secretary of State.

(Translation.)

SIR,

Washington, 14th March, 1817.

IN an Official Letter, under date of the 11th of last month, which I had the honor to direct to the Secretary of State, I represented to this Government, that, contrary to my expectation, I had just received positive information that the Marshal at Baltimore had left at liberty, he Captain and Crew of the Pirate *Mongore*, and had even permitted her to go to Sea to renew her excesses, without having even so much as taken their Declarations, which the public vengeance, and the interests of both Governments demanded: I dwelt on the great injuries which would follow to my Nation, from the impunity and toleration which these highway Robbers met with in this Country; and requested that the President would give the correspondent directions for preventing this injury.

In my Official Letter of the 12th of the same month, I took occasion again to call the attention of this Government to the same subject, though in a different Case, in consequence of having received advice that Captain John Chase, who commanded the Privateer *Potosi*, (alias the *Spartan* of Baltimore,) and more than 30 Persons belonging to her Crew, had arrived at Baltimore, of whom 4 had given very detailed Declarations respecting the Capture of the Spanish Vessel the *Ciencia*, of her halting place, and of the existence in Baltimore, in the possession of Mr. Henry Didier, of plunder to the amount of more than 20,000 dollars, and requested that the Government would interpose its authority, to give effect to the prosecution which the Consul of His Majesty had set on foot against the person of Chase; and to the legal proceeding under which he has succeeded in attaching in the hands of Mr. Didier, the said Interests; and under date of the 22nd of same month, I enclosed a List of these effects, which were in the hands of Mr. Didier.

I have not, as yet, had the honour to receive an Answer to any of the above mentioned Notes; and I have just understood, that the Authorities at Baltimore, contemning the evidence of the 4 Witnesses, who had presented themselves, and the entry in the Custom House in the name of Didier, of the effects robbed from the Spaniards, have permitted the said Captain Chase to go very tranquilly to Norfolk, to enjoy the fruits of his depredations; that, with universal scandal, and notwithstanding the character of Captain Barnes, as a Pirate, was established by the Decision of the Court of The United States, in Boston; which had declared as illegitimate, his Prize, the Spanish

Schooner, *Pastora*, and ordered that she should be restored to her Owners: he had sailed from Baltimore, with his Privateer, *Mongore*, as soon as the ice permitted, and gone down the Bay, to go to Sea, to repeat his cruelties; without its having been possible for the Consul of the King to get the Declaration of Barnes, and his People taken, as to what had been the lot of the Crews of the Spanish Vessels which they had captured; Declarations, which, not only by the Laws of Nations, but by the more sacred Law of humanity, should have been taken, considering the vehement and well founded suspicions there were, that they had assassinated all the Individuals who had had the misfortune to fall into their hands.

In consideration then of the excesses committed against the Subjects of the King my Master, and of those, which, from the impunity and toleration on the part of the Authorities of this Country, are in a state to be repeated, with Vessels purchased, armed, manned, and equipped, in the Ports of these States, contrary to all the Laws of Nations, to the express Stipulations of the Treaty which exists between the 2 Countries, and to the Laws of humanity itself, I cannot do less, in discharge of my obligation, than to represent and reclaim in the name of my Sovereign, the damages and injuries which have resulted, and may hereafter result to his Subjects; and to protest against the Authors of all of them. At the same time, I cannot omit to beg you with earnestness, to be pleased to inform me of the measures which this Government may have taken, for the purpose of having restored to the Spanis Owners, the effects of which they have been robbed, and also, to ascertain the fate of the unfortunate Crews of the Spanish Vessels which have been captured and destroyed by the 2 Pirates above mentioned; as likewise by the other 2 called the *Orb* and the *Romp*, that were, in like manner, armed in Baltimore.

I hope you will have the goodness to give me the information I ask, that I may bring it to the knowledge of the King my Master.

I renew to you, &c,

The Hon. Richard Rush.

LUIS DE ONIS.

No. 11.—*Don Luis de Onis to the Acting Secretary of State.*—

(Translation.)

SIR,

Washington, 15th March, 1817.

I HAD the honour to receive your Note of the 13th instant, in which, by Order of the President, you enclose a Copy of the Act passed by Congress, on the 3d, entitled, "An Act more effectually to preserve the Neutral Relations of The United States," by which the President trusts, that my Government will perceive a new proof on the part of The United States, of a desire to cultivate just and friendly dispositions towards Spain.

I cannot but be highly gratified, by all those occasions on which the Government of these States, manifest a disposition corresponding

with that entertained by the King, my Master, to maintain and strengthen the amicable relations subsisting between the 2 Nations; and I therefore hope, that the President will cause the most effectual measures to be taken to enforce an observance of this Law by the Officers of this Government, with greater exactness than has hitherto been paid to the existing Laws, and to the express Stipulations of the present Treaty between the 2 Nations.

I shall embrace the first opportunity to transmit a Copy of this Act to my Court, for the information of my Sovereign; and with renewed assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 12.—*Don Luis de Onis to the Acting Secretary of State.*—

(Translation.)

SIR,

Washington, 26th March, 1817.

I HAVE just been informed, that there have entered at Norfolk, 2 Pirates, under the Flag of Buenos Ayres, the principal of which is called the *Independencia del Sud*, armed with 16 guns and 160 men, her Captain is the well known Pirate called Commodore Chaytor. The second is the Schooner *Romp*, which, to enter into that Port, has changed her name to that of *Atrevida*; she has a Crew of 70 men, and appeared to be commanded by a person called Grinnolds. Both Vessels were built and fitted out at Baltimore, belong to Citizens of that Place, and others in this Republic, and their Crews and Captains are of the same. Their entrance into Norfolk has been public, to revictual, and return to their Cruize against the Subjects of the King, my Master; but their principal object is to place in safety the fruits of their Piracies, which must be of great importance, if we attend to the information from Havanna, which states, that they have robbed a single Spanish Vessel coming from Vera Cruz, of 90,000 dollars; and to the fact that, on the 21st of the present month, they had deposited 60,000 dollars in the Bank of Norfolk, had landed a number of packages of Cochineal, and had declared that they had taken to the amount of 290,000 dollars. I am informed, that the Person called Commodore Chaytor, was about to set out for Baltimore, probably to settle Accounts, and divide his robberies with the Persons interested in the outfit. It is a circumstance worthy of remark, that these 2 Pirates saluted the Fort at Norfolk, and that it returned the salute upon the same terms as would have been done with a Vessel of War of my Sovereign, or of any other Nation acknowledged by all independent Powers.

It would be superfluous to take up much time in representing to you, how sensible my Sovereign, and likewise all maritime Nations must be, to see that their Flags are treated on an equality with Pirates, in the Territory of this Union. So obvious a reflection cannot be withheld from your knowledge, and that of the President. I therefore

do not doubt, that if, as I persuade myself there has been, a mistake in the honors paid to these Pirates, you will be pleased to disapprove of the conduct of the Commander of the Fort, and give suitable orders to prevent its happening in future.

At the same time that I expect this measure from the justice of the President, I claim in the name of the King, my Master, that all steps be taken for the arrest of these Pirates, whether they be at Norfolk, or that they repair, as is probable, to Baltimore, where their principal Associates are; that they be proceeded against according to the Act of Congress of the 3rd instant, and to the Stipulations of the Treaty between His Majesty and this Republic; that legal means be taken to ascertain all the Captures made by them during their Cruise, the fate of the Spanish Crews that have fallen into their hands, and the places of Deposit of the property taken from on board them, in order that by attaching the same by the competent Tribunals, it may be held for the disposal of the Owners who may prove their property.

This request being, moreover, founded in justice, is supported by the friendly sentiments of this Government towards His Catholic Majesty, by the assurances which the President has given to me of his sincere desire to put an end to a Piracy, which, although in opposition to the sentiments of the Administration, highly compromises the dignity and character of a People distinguished for its rectitude, morality, and its refined virtue. I therefore cannot but confidently hope, that you will enable me to inform my Government of the measures which may be taken in this matter.

I renew the assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 13.—Don Luis de Onis to the Acting Secretary of State.

(Translation.)

SIR,

Washington, 26th March, 1817.

THE Pirate *Orb*, fitted out at Baltimore, under the name of the *Congress*, and Flag of Buenos Ayres, commanded by Joseph Almeida, a Portuguese, and a Citizen of this Republic, has had the audacity to return and enter the said Port, there to deposite a part of his robberies. The piratical character of this Vessel is as fully acknowledged, as it is proved that she was armed and manned with People of this Country, and of others in the abovementioned Port, and that she had made different Prizes in the neighborhood of Cadiz and other Points; since there now is in the Port of New York, the Spanish Polacre, the *Leona*, captured by her, whose Cargo, consisting of 200,000 dollars is concealed, where, it is not known, and in the same Port of Baltimore, there are deposited the proceeds of the Spanish Brig *Sereno* and her Cargo, captured by the same Vessel. No evidence can, in my judgment, be offered, which gives greater certainty to facts so notorious. If by chance any thing could be added thereto, it would be the acknow-

judgment of their atrocities. Nevertheless, I have the mortification to say, that neither this notoriety nor the Reclamations of His Majesty's Consul at that Port, have as yet been sufficient to produce those steps which are required by humanity to secure the person of this notorious Pirate, to take the Declarations of the Crew, and to prevent their enjoying their plunder to the prejudice of the lawful Owners.

I think it my duty to bring this incident to your knowledge, and I doubt not that the President, when informed thereof by you, will take it into the serious consideration which it merits, and give the most positive orders that a Suit be instituted against this Pirate, that an attachment be laid on all his property and funds wheresoever they may be placed throughout this Republic; and that they be held at the disposal of those Owners who may prove their property.

As I propose to despatch a Messenger in a few days to my Government, and it will be very agreeable to me to give to His Majesty, an assurance that The United States are seriously disposed to put an end to the injuries resulting to Spain from the nonobservance of the Treaty between the 2 Nations, I will thank you to inform me as speedily as possible of the measures which may be taken in this case, and in that on which I address you in a Separate Despatch. I renew, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 14.—The Acting Secretary of State to Don Luis de Onís.

SIR, *Department of State, Washington, 28th March, 1817.*

I HAVE had the honor to receive your 2 Notes, dated the 26th of this month, stating that you have been informed, that 2 armed Vessels which have been committing unauthorized depredations upon the commerce of Spain, have recently arrived at Norfolk, and that a 3rd, liable to the same charge, has arrived at Baltimore, thus bringing themselves within the reach of those Laws, against which, in the above, and in other ways, it is alleged they have offended.

Conformably to the constant desire of this Government to vindicate the authority of its Laws, and the faith of its Treaties, I have lost no time in writing to the proper Officers, both at Norfolk and Baltimore, in order that full enquiry may be made into the allegations contained in your Notes, and adequate redress and punishment enforced, should it appear that the Laws have been infringed by any of the acts complained of.

I use the present occasion to acknowledge also the receipt of your Note of the 14th of this month, which you did me the honor to address to me, communicating information that had reached you, of other and like infractions of our Laws within the Port of Baltimore; in relation to which, I have to state, that Letters were also written to the proper Officers in that City, with a view to promote every fit measure of investigation and redress. Should it prove necessary, I will have the

honor to address you more fully at another time upon the subjects embraced in these several Notes. In the mean time, I venture to assure myself, that in the readiness with which they have thus far been attended to, you will perceive a spirit of just conciliation on the part of this Government, as well as a prompt sensibility to the rights of your Sovereign.

I pray you, Sir, to accept, &c.

H. E. Don Luis de Onis.

RICHARD RUSH.

No. 15.—Don Luis de Onis to the Acting Secretary of State.

(Translation.)

SIR,

Washington, 29th March, 1817.

By your Note of yesterday, I am apprized that the President, on being informed by the Notes to which you have replied, of the audacity with which the Pirates armed in this Country introduce into it the fruits of their robberies, has been pleased to give suitable Orders to the Authorities at Norfolk and Baltimore, that having ascertained the facts which I have brought to his knowledge, they should duly proceed according to Law, against the Violators of the Laws of this Republic. The District Attorney for The United States at Baltimore, has replied to the King's Consul there, that he has no evidence upon which he can proceed against Captain Almeida; but if a Witness should offer, who will depose to the facts referred to, he will proceed to order an embargo to be laid on his Vessel. I am perfectly aware that good order, the personal security of Individuals, and the prevention of any violence being committed upon them, require that Suits should be instituted according to the rules of Court; but when a crime is notorious to all, and is doubted by none; when the tranquillity and security of the State, the honor of the Nation, and the respect that independent Powers owe to each other, are interested in putting a stop to crimes so enormous, as those I have had the honor to denounce to you, it appears to me that the Magistrates are authorized to collect a summary body of information, to inquire whether the public opinion is doubtful, and if there be ground to institute a Suit. The Collector of the Customs cannot be ignorant that the 3 Vessels which I have named to you, were built and fitted out at Baltimore; that they were cleared at that Custom house as Americans; that their Crews were, at their departure, composed of Citizens of this Union, as were their Captains, and that the effects which they have landed, can only come from Spanish Countries. What stronger testimony, if more is wanted, than their own declaration, can be desired to proceed against these Pirates?

The Ship's Papers, the declarations of the Crews, the log book, are all testimony which can throw light upon the truth or falsehood of the crime alleged, and make it unnecessary to trouble them, until it

be ascertained that there is ground for proceeding judicially against them.

It must have been known to you, Sir, that when the Rebel, *Mina*, had armed and equipped at Baltimore, for the purpose of attacking the Dominions of the King, His Majesty's Consul presented 2 Declarations, sworn to by 2 Officers, who had accompanied him, setting forth all the plans and Projects of this Traitor, and the manner in which he had violated the Laws of the Republic; and that, on another occasion, the same Consul presented the Declarations, on Oath, of 4 Sailors of the Pirate *Potosi*, stating the Prizes they had made, the Merchants to whom were addressed the effects stolen from the Vassals of the King; and that in both Cases they were considered insufficient to proceed against these highway Robbers, and to afford the Vassals of His Catholic Majesty that protection which they had a right to expect of a friendly Power.

At this very moment, I have received advice from His Majesty's Consul at Norfolk, stating that a quantity of seroons of cochineal, indigo, and jesuit's bark, brought in by the 2 Privateers, the *Independencia del Sud*, Captain Chaytor, and the *Atrevida*, alias *Romp*, Captain Grinnolds, has been shipped at that Port on board the Packet which sailed on the 23rd instant for New York, in order that by changing place, and appearing to be cleared out by other Merchants, the Vassals of His Majesty may be deprived of their property, and the Pirates and Merchants who have fitted them out, become the Owners of the booty. No one renders more justice to the rectitude of the President than I do, and to the sincere desire that he has to put a stop to practices so contrary to the virtue and good faith which characterize this Republic; but it is that very cause which lays me under the necessity of exposing these practices, with an entire confidence that the President will only see in this Communication, my anxious desire to prevent any obstacles being thrown in the way of the friendly arrangement now pending between the 2 Powers. The Treaty of Limits and Navigation existing between them, establishes in the most positive manner, that the 2 Nations have agreed to consider as Pirates, all Vessels fitted out in the 2 Countries respectively, manned and commanded by their respective Subjects or Citizens, acting in a hostile manner against one or the other of the 2 Contracting Parties under a Foreign Commission; the Acts of Congress of the 5th of June, 1794, of the 14th of June, 1797, and the second section of that of the 30th of April, 1790, prescribe the punishment to be inflicted on these Persons, and the steps to be taken on both sides to restore the property to its lawful Owners.

I rely on your justice and friendly sentiments towards my Government, for promoting, with the President, such Orders as in his wisdom and foresight will seem to him best adapted to prevent the evasion of

the Laws, and the sacrifice of that portion of His Catholic Majesty's Subjects who have been robbed by these Pirates.

I renew the assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 16.—Don Luis de Onis to the Acting Secretary of State.

(Translation.)

SIR,

Washington, 4th April, 1817.

ALTHOUGH I have always made it a duty not to intrude on the attention of this Government, by remonstrances which are not founded on incontestable facts, or at least, on moral evidence, yet it appeared to me, in the Conference which I had with you yesterday, that you were not satisfied with the complaints I lately addressed to you against the Pirates, *Potosi, Mongore, Congreso, Independencia del Sud, and Atrevida*; I have now the honor to annex a Copy of a Letter from the Owners of the Spanish Ship *Nuestra Senora de los Dolores*, and of one from the consignee at Havanna, by which you will be informed that the said Vessel was captured near to Cadiz by the Pirate *Independencia del Sud*, Captain James Chaytor.

I also enclose to you the Declaration on Oath of Joseph Ojeda, Captain of the Spanish Schooner *Catalina*, captured by the Pirate *Almeida*, commanding the *Orb*, alias the *Congreso*. By this Declaration you will see the number of Spanish Vessels he has plundered, those he has burnt, and those he has sent to other Ports. I flatter myself that you will find in these Documents, if not all the evidence required by the Laws of The United States for the punishment of a Man who has committed so many atrocious acts, at least sufficient to justify the detention, for the benefit of the lawful Owners, of the property which he is endeavoring to introduce clandestinely into this Country, in violation of the Treaty of Friendship, Limits, and Navigation now existing between the 2 Powers.

I hope, Sir, that you will allow me to use the term "Pirates," in speaking of these Banditti. My impression is, (and I found it upon the Treaty of Amity I have just referred to,) that every Vessel built or fitted out within the jurisdiction of this Republic, manned and commanded by Citizens of the Union, which is navigated and commits hostilities under a Foreign Flag, is, and must be deemed a Pirate; that as such, it is liable to Confiscation with all the property on board, that it may be afterwards restored to the lawful Owners, although no one should present themselves to make the Claim in their behalf, as would be done in the case of any known murderer, or of one against whom there existed strong suspicions of having committed a crime against Society, and this for the purpose of satisfying the calls of public vengeance. I hope that you will have the goodness to inform me if I am mistaken in this conception, and in case it should be that

of the President, that you would be pleased to obtain such measures of him as in his wisdom he may deem most proper, to prevent the Vessels above-mentioned, together with their Captains, again putting to Sea, and to afford that protection to His Majesty's Subjects which they have a right to expect, from the close friendship existing between the 2 Governments, by laying an Attachment on the Property on board those Vessels, that it may be delivered up when its Owners are ascertained.

I renew to you the assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

(*Enclosure.*)—*Don. F. de Maura to Don Thomas Stoughton..*

(Translation.)

SIR,

Havana, 17th December, 1816.

I AM again obliged to trouble you by requesting you would be on the watch, if the Ship called the *Na. Sa. de los Dolores*, alias the *Primera*, should put into any Port of The United States; which Vessel I despatched for Cadiz on the 10th of July, under the command of Captain Nicholas Larrea, with a Cargo of Sugar consigned to the Owner, Don Juan Fscó. de Vergara, of the same Place, who, under date of the 3rd of September, informs me of her Capture on the 27th of August, near Cape St. Vincent, by the Privateer *Independencia del Sud*, Captain James Chaytor, and gives me authority to claim or ransom her, as you will see by a Copy of his Letter enclosed. I therefore hope you will do me the favor to advise me of whatever may turn up in the affair, that the requisite orders may be promptly given.

I am with respect, &c.

Don Thomas Stoughton. FRANCO. DE PAULO DE MAURA.

(*Sub Enclosure 1.*)—*Don Juan de Vergara to Don F. de Maura.*

(Translation.)

SIR,

Cadiz, 3rd September, 1816.

ON the 27th of August last, at the distance of 22 leagues from Cape St. Vincent, the Ship *Na. Sa. de los Dolores*, alias *Primera*, Captain Nicholas Larrea, which sailed on the 10th of July of the present year, was captured by the insurgent Schooner-Brig of Buenos Ayres, called the *Independencia del Sud*, commanded by James Chaytor. On being captured, Captain Larrea endeavored to ransom his Vessel and Cargo, and the Commander of the Privateer actually agreed to estimate the sale at 50,000 Dollars, including therein 5,000 for the Vessel, the ransom to be paid in Cadiz. When they were on the point of drawing up the necessary Writings, the Brig *Golondrina* from Cumana, appeared in sight, which being likewise made Prize of, she was afterwards liberated, to carry to Cadiz the Crew of the *Primera*,

and on that account the ransom was not carried into effect. As it appears by information that the Privateer which captured her was fitted out in North America, and commissioned by the Insurgent Government of Buenos Ayres, she will be purchased for little or nothing. I understand that she will be ordered to the Cayes of St. Louis, St. Thomas, St. Bartholomew, North America, Jamaica, or some other English Port. It will, therefore, be for my interest and that of your Brother, Don Pascal, &c.

Don F. de Maura.

JUAN FSCO. DE VERGARA.

(Sub-Enclosure 2.)—*Deposition of the Captain of the Spanish Schooner, Nueva Catalina.*

Baltimore County, State of Maryland, to wit; 1st April, 1817.

BE it remembered that, on the 1st day of April, 1817, personally appeared before me, Daniel Rogers, Notary Public for this State, Diego Jose Ojeda, and being first duly sworn according to Law, deposed as follows: That he was Captain of a Spanish Schooner, called the *Nueva Catalina*, that he was taken in the said Schooner on the Coast of Cuba, by a Privateer called the *Congreso de Buenos Ayres*, commanded by Joseph Almeyda, that in the night of the same day, the 9th of February last, his said Schooner was taken by the Spanish Brig of War, *Campeador*, and immediately afterwards taken again by the same Privateer, when having taken out all the provisions and best part of the sails, fire was put to the said Schooner *Catalina*, and her Crew put on board an American Schooner, with the exception of the Captain, the Second Mate, the Cook, and 2 Passengers, whom Captain Almeyda said he would not liberate until the same had been done with one of his Officers and 5 Men, who had been taken Prisoners there; during the Deponent's stay on board of Almeyda's Privateer, he took the Schooner, *Ardilla*, from Omsa, with a Cargo of Sarsaparilla and 2,000 dollars, which Sum was taken out and the Schooner burnt.

On the 19th of February, he captured 2 Brigs, the *San Antonio Abad*, from Vera Cruz for The Havana, in ballast, and having some money on board; this Vessel was also burnt. The other Brig, *San Jose*, from Havana to Campeche, with a Cargo of brandy, wine, and other goods, was completely plundered, and the Prisoners of the *Ardilla* and *San Antonio*, with the 2 Passengers of the *Catalina*, were put on board of her, keeping a man of each Vessel on board of the Privateer; the *San Jose* was then allowed to proceed to Campeche.

On the 24th he captured the *Paz*, bound from Sisal to Havana, on board of which Vessel a Prizemaster and 8 Sailors were sent, as also the Mate of the *Catalina*. She was then despatched for Galveston. Her Crew were put on shore, at about 11 leagues from the Port of Sisal; and this Deponent further states that Almeyda made sail

for this Place, where the said Deponent was not allowed to land, until the 28th of March last, when he was sent on shore, without any of the Papers of his Vessel; Almeyda having taken possession of them.

In testimony whereof, the said Deponent hath hereunto subscribed his name, and I, the said Notary, have hereunto set my hand, and affixed my Notarial Seal, the day and year first hereinbefore written.

DIEGO OJEDA.

DANIEL ROGERS, *Notary Public*, [L. s.]

No. 17.—*Don Luis de Onis to the Acting Secretary of State.*

(Translation.)

SIR,

Washington, 5th April, 1817.

As nothing can be more flattering to me than to prove to you that all my Reclamations bear the stamp of the most scrupulous exactness and truth, I have the honor to enclose the Declaration, on Oath, of 2 Seamen of the Spanish Brig, *San Antonio de Padua*, captured by the Pirate Almeyda, by which you will see that this Pirate has not confined himself to taking and burning Spanish Vessels, but has also detained and robbed an English Vessel upon the High Seas.

I hope that you will have the goodness to bring the said Document to the knowledge of the President, as a corroboration and support to the Reclamations which I have addressed to you; in order that the Property plundered by that Pirate, and by the *Potosi*, *Independencia del Sud*, *Mongore*, and *Atrevida*, may be secured for the Subjects of the King, my Master, and that they may not be permitted to return to Sea, to continue their depredations.

I renew my respects, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

(Enclosure.)—*Deposition of 2 Seamen of the Spanish Schooner*

San Antonio de Padua.

Baltimore County, State of Maryland, to wit: 4th April, 1817.

BE it remembered that on the 4th day of April, in the year of our Lord 1817, personally appeared before me a Justice of the Peace of the said County, Lewis Falcone and Barnard Falcone, Italians, and being first duly sworn according to Law, depose as follows:—

That they belonged to the Crew of the Spanish Schooner, *San Antonio de Padua*, he, the said Lewis being Gunner thereof; that having sailed from St. Jago de Cuba, bound for Havana, on or about the 28th of January last, they were chased and captured the same day by a Buenos Ayres Privateer, called the *Congreso*, commanded by one José Almeyda, who took the Deponents on board his Vessel, depriving them of 50 boxes of segars, 4 barrels and 5 bundles of Spanish tobacco, and a bag containing silk handkerchiefs; that during their [1817—18.]

stay on board Almeyda's Vessel, he took 7 Spanish Prizes, 3 of which he burnt, and on or about the 15th of March, near the Port of Havana, he fell in with a British Brig, chased her under Spanish Colors, and when sufficiently near, fired into her, hoisting at the same moment the Buenos Ayres Flag: the Brig being armed was defended by discharges of grape shot nearly the whole day, but being boarded in the evening, was compelled to surrender: during the whole transaction the British Ensign was at her main peak, and no other Flag. Her Crew were taken on board the *Congreso*, and the Vessel plundered of several valuable articles of gold and silver. She was given up and allowed to proceed:—her Mate received a Musket shot through the head, of which wound it was almost impossible he could recover. And these Deponents further state, that Almeyda after this proceeded to The United States, and arrived at Baltimore on or about the 28th of March last.

LEWIS FALCONE.

BARNARD FALCONE. (his X mark.)

Sworn to and subscribed before me,

THO. W. GRIFFITH.

No. 18.—*Don Luis de Onís to the Acting Secretary of State.*
(Translation.)

SIR,

Washington, 18th April, 1817.

By the information which has been transmitted to me by His Majesty's Consul at Baltimore, in relation to the legal steps taken by him for the seizure of the Pirate *Congreso*, Captain Almeyda, and the attachment of her Cargo, it appears, that the Court of Baltimore County, has declared its incompetency to take cognizance of this Cause, on the plea that the Congress had not the power to alter the mode pointed out by the Constitution, in which similar Causes are heard and decided in the Supreme Court of The United States; from which Decision it follows, that no State Judge or Justice of the Peace, has power to arrest any Individual for a violation of the Laws of this Republic. I will not permit myself any reflection upon the forms of Law which may be laid down for cases of this nature, nor upon the powers which are, or are not, within the competency of the Legislature; but I cannot the less express to you my surprise, that the States' Attorney has not given the direction recommended by the Laws, to an affair, which, in addition to the justice due to the Subjects of His Catholic Majesty, so essentially interested the honor of The United States, by the violation of its Statutes, its Treaties, and its Neutrality with Foreign Nations.

The result of all which is, that the Pirate Almeyda is at full liberty—that his Vessel, the *Congreso*, is released from attachment, and that he

is free to land, and place in safety, the fruits of his Piracies;—that during several weeks, he has had 30 hands at work upon his Vessel, sheathing her with copper, making new sails, and giving her a thorough repair; and that there is an appearance that he will profit by the first favorable wind to put to Sea, and continue with greater fury his atrocities and piracies, before the Suit can be instituted in the Court which is now designated, if effectual measures be not taken to prevent him.

I therefore hope, that you will be pleased to lay the foregoing subject before the President, and I doubt not that, animated by his desire to preserve the friendship which happily subsists between Spain and this Republic, he will adopt those measures, which appear to him most suitable to prevent the evasions employed to obstruct the course of justice; and burden The United States with an indemnification for injuries of such magnitude, occasioned to the Subjects of the King, my Master, by reason of the non-observance of the Treaty which exists between the 2 Nations.

I renew my respects, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 19.—*Don Luis de Onis to the Acting Secretary of State.*

(Translation.)

SIR,

Washington, 19th April, 1817.

ALTHOUGH I was persuaded that the Act of Congress of the 3rd of March, relative to the preservation of the Neutrality of The United States, in addition to the Treaty of Friendship, Limits, and Navigation, existing between Spain and this Republic, and to the Act of 1797, which prescribes the mode of pursuing the violators of the Laws of this Republic, would exempt me from again calling your attention by new Reclamations, to the injuries which the Subjects of the King my Master, incessantly experience from the Privateers armed in the Ports of this Union, the annexed Copies of Notes, which His Majesty's Consul at Norfolk, has addressed to the State's Attorney, and to the Collector of the Customs, and the Answer which he has received from the latter, will show you, that nothing is sufficient to put a stop to the evil of which I have so often complained to this Cabinet.

By these Documents, you will see, notwithstanding the proofs presented by Don Antonio Argote Villalobos, that the Pirates *Independencia del Sud*, and *Atrevida*, were both fitted out at Baltimore, that their Captains, Chaytor and Grinnolds, are American Citizens, as well as their Crews;—that both the one and the other have received Commissions, and cruized under a Foreign Flag, against the Spanish Commerce; that they were then strengthening their Armament, and increasing their Crew; and finally, that the same Collector, who acknowledges they bring no Manifest (Registro) of the articles they have on board, from any Authority or Port, known, or unknown, there-

by evidently proving that they were stolen on the High Seas, refused to arrest this property, unquestionably stolen, to hold it at the disposal of the Owners, who might prove their Claims; and to detain the Vessels, which, in manifest violation of the Laws of this Republic, and above all, of the Act of Congress of the 3d of March, are there preparing to return to their Cruize.

I shall abstain from fatiguing you further upon a subject to which I have so often claimed your attention, and that of the President. I flatter myself that the transmission of the Proceedings, such as they have been transmitted to me, and the elucidation afforded by the annexed Copies, will be sufficient to induce the President to acknowledge the urgency of adopting measures, really effectual, at once to put an end to these Piracies; otherwise His Majesty will not be able to see, in a continuance of these excesses, a confirmation of the assurances which the President has given me of his desire amicably to adjust, by means of a Treaty, all the differences pending between the 2 Governments, and to strengthen the friendly relations with His Majesty by new Arrangements, mutually advantageous to both States; nor the pledge which I have already given him, that if the above mentioned Act of the 3d of March, did not repair the evils suffered by his Subjects until that period, it would at least prevent those by which they were threatened in future.

I renew to you the assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

(Enclosure 1.)—*The Spanish Consul, to the Collector of the Customs, at Norfolk.* (Translation.)

SIR, *Spanish Consul's Office, 10th April, 1817.*

I FOUND it my duty, on a former occasion, to make an Official Application to you, in the Case of the armed Schooner *Potosi*, Captain Chase, said to be acting under a Commission from the pretended Government of Buenos Ayres, (where, by the bye, she had never been,) but which had been fitted out, armed, and equipped, in the Port of Baltimore, to cruize against the Subjects of Spain, contrary to the Law of Nations, and in violation of the Neutrality of The United States, their Laws, and Stipulations in the existing Treaty between the 2 Nations, concluded on the 27th October, 1795, and in opposition to the intentions of the Government, manifested in the President's Proclamation of the 1st September, 1815, and since, more fully displayed by the Act of Congress passed on the 3d March, ult. entitled "An Act more effectually to maintain the Neutral Relations of The United States."

I do not doubt, Sir, but that you participate in the indignation which every honest man feels at the lawless proceedings, the greedy rapacity, and in many instances, the horrid cruelties of this set of Sea

Depredators, who, being for the most part, Citizens of The United States, are a disgrace to this Country ; but still, you did not think yourself authorized to interfere, though in your Reply, dated the 16th of December, ult. you expressed that you would take care in that, as in other cases, to see that the Laws in The United States, and other Regulations of the Government, are duly observed.

Impelled again by duty, and relying on the assurance (just quoted) in your said Letter of the 16th December, ult., I do myself the honor of addressing you the present Letter, to request you to interpose your authority, for the purpose of detaining the armed Brig, *Independencia del Sud*, alias the *Mammoth*, commanded by James Chaytor, and the Schooner *Atrevida*, alias the *Romp*, Captain Grinnolds, both which Vessels have been armed and equipped in this Country, in violation of the Law of Nations, the Neutrality Laws, explicit Stipulations, and professed intentions of the Government of The United States, and are commanded, and principally manned, by Citizens thereof.

As these violators of all Law pretend to shield their conduct under a Commission from a Government, the existence of which is not acknowledged by this or any other civilized Country, it becomes necessary for me to call your attention to the XIVth Article of the Treaty existing between Spain and this Country, by which you will find that it is expressly forbidden to the Citizens and Subjects of either Nation respectively, to take any Commission from any Prince or State with which the other Nation shall be at War; and such as shall take such a Commission are punishable as Pirates. Upon the strength of this Article, and in vindication of the Laws and honor of The United States, I must solicit you to put a stop to the farther proceedings of these Freebooters, and to deter them from going on in their criminal course to the great detriment of the commerce of Spain, a Nation in amity with this Country, and to the annoyance of the peaceable commercial Subjects of all other Nations. I must further solicit you to stop these Vessels, on the ground that they have in this Port improved their equipment and considerably augmented their Crews, by enlisting several Individuals, contrary to the said Act of Congress of the 3d of March ult., which enlistment is the more aggravating, because most of the Individuals so enlisted, are known to be Citizens of this Country. I also solicit you to stop and keep in your possession certain stolen goods, namely, cochineal and indigo, which I am told, are now in the custody of the Custom house under your direction, reserving to myself to prove hereafter the true Owners of this property. I must add the request to be furnished with a Copy of the Entry or Manifest of the goods or articles of merchandise imported by, and landed at this Port from, the said Cruizers.

In closing this Letter, I cannot forbear expressing a hope that you

will give to this Application all the attention which the nature of the case requires, and that you will not delay your Answer; from the tenor of which I shall regulate my conduct, so as to acquit myself of that duty to my King and Country, imposed upon me as well by my Office as by my personal feelings.

With great respect, I remain, &c.

Mr. Mallory.

ANTONIO ARGOTE VILLALOBOS.

(*Enclosure 2.*)—*The Spanish Consul at Norfolk to the District Attorney at Richmond.* (Translation.)

SIR, *Spanish Consul's Office, Norfolk, 10th April, 1817.*

THE enclosed is a Copy of an Official Letter which I have addressed this day to the Collector of the Customs of this Port.

As there is no question, but that the Government of The United States are bound to punish such of their Citizens as in defiance of all Law have committed hostilities against a friendly Nation, and also to arrest them in their progress, when they are seen within their jurisdiction preparing to continue their nefarious course; and as it is in your province, as District Attorney, to see that the Laws of the Union are duly enforced, both in the punishment of crimes, and in the prevention of them, I make the same Application to you that I have made to the Collector; requesting you, in the name of my Government and the suffering Subjects of Spain, to issue such Process as will deter James Chaytor and Captain Grinnolds, their Officers and Crews, mostly American Citizens, from going out of this Port to renew their depredations on Spanish commerce; at the same time, that I leave to your discretion to institute any further proceedings that the nature of the offences already committed may admit of, and of which I shall furnish proofs in due time. I must also request you to secure in behalf of the true Owners of the stolen property which can be come at, namely, a parcel of cochineal and indigo, landed by these Privateersmen at this Port, and said to be now in the custody of the Custom-house.

I hope, Sir, that you will see the propriety of my applying to you in the present instance, and that you will do me the favor to answer this Letter, apprising me of the course you mean to adopt for my information, and to enable me to give proper intelligence to my Minister. I remain, &c.

Mr. William Wirt.

ANTONIO ARGOTE VILLALOBOS.

(*Enclosure 3.*)—*The Collector of the Customs, to the Spanish Consul, at Norfolk.*

SIR, *Collector's Office, Norfolk, 11th April, 1817.*

I HAD the honor to receive your Note of yesterday, in relation to the 2 armed Vessels, now lying in this Port, under the Flag of the

Government styling itself "The United Provinces of the River Plate," the one called *Independencia del Sud*, and the other, *Atrevida*. You require me to detain these Vessels upon the grounds, that, in violation of the Law of Nations, the Neutrality, Laws, explicit Stipulations, and professed intentions of the Government of The United States, they have been armed and equipped "in this Country, and are commanded and principally manned by Citizens thereof;" that under the XIVth Article of the Treaty between Spain and this Country, they are Pirates, and that in violation of the Act of Congress of the 3rd March last, "more effectually to preserve the Neutral Relations of The United States," "they have in this Port improved their equipment, and considerably augmented their Crew, by enlisting several Individuals." In reply to which, I conceive it proper only to remark, that these Vessels have not been unnoticed by me, and that in my conduct towards them, I shall endeavor, as I have done, to observe that course which my official duties appear to me to have prescribed. In pursuing which, that I may have the aid of every light to guide me, which facts can afford, and as the allegations thus made by you, in an official form, must be presumed to be bottomed on positive facts, which have come to your knowledge, you will have the goodness, I trust, to furnish me, with as little delay as possible, with the evidence of their existence, in your possession.

In respect to the merchandise landed from these Vessels, and deposited in the public store, which you request me to retain in my custody, for proofs to be obtained by you as to the Owners of it; I have to observe, that the circumstances of the case, as far as they are at present known to me, do not seem to require that I should take upon myself the responsibility. On the contrary, that these goods should be regarded as the property of those who deposited them, subject to be delivered to them, on complying with all the requisites of the Laws for the protection of the Public Revenue.

There was no regular Manifest or Entry of these articles, or a Copy of it should be furnished to you, according to request, but simply a Memorandum of them, and a receipt of the Keeper of the Public Store, from which it appears, that there were 92 bales or packages of cochineal, jalap, and varilla, consisting chiefly of the first-mentioned article.

I am, &c.

Don Antonio Villalobos.

CHARLES K. MALLORY.

(Enclosure 4.)—*The Spanish Consul, to the Collector of the Customs, at Norfolk.* (Translation.)

SIR, *Spanish Consul's Office, Norfolk, 12th April, 1817.*

I HAVE had the honor to acknowledge the receipt of your Letter of yesterday, in answer to mine of the day before, soliciting you to detain the Privateers, *Independencia del Sud* and *Atrevida*, on the

grounds that those Vessels have been originally armed and equipped in this Country, and are now commanded and principally manned by Citizens of The United States, and because they have in this Port, improved their equipment, and augmented their Crews by enlistment; and further, soliciting you to retain in your possession, and not to redeliver to those Privateersmen, certain articles of stolen goods now under your custody; in reply to which, you are pleased to observe, that those Vessels have not been unnoticed by you, and that you shall endeavor to observe with regard to them, that course, which you think your official duties prescribe to you; requesting me, at the same time, to furnish the evidence to prove the facts that I have set forth, in order that you may have the aid of every light to guide you; and finally, you observe, that from the circumstances of the case, you do not think you ought to take upon yourself to retain possession of the property above-mentioned, of which you give a description in general terms.

With regard to the evidence you require, I will not hesitate to say, that as the facts I have stated are matter of public notoriety, known to every body, and I had no reason to suppose that you were ignorant of them, I did not deem it incumbent upon me to add any proof to the simple narration of them; and I was confident, that by going on to point out to you the Stipulations and Laws which are infringed in consequence of those facts, you would think yourself authorized to interfere in the manner requested.

I will assert, Sir, as a known fact, that the Brig, now called *Independencia del Sud*, is the same Vessel, which was formerly known under the name of the *Mammoth* Privateer, belonging to Baltimore, armed and equipped in that Port, from which she sailed under the command of the same James Chaytor, who still commands her; that the very same James Chaytor was necessarily then, and cannot have ceased since to be, a Citizen of The United States—is settled, and has a family, in Baltimore, whence his wife came down a few days ago in the Packet *Walter Gray*, and is now in this Town, on a visit to her husband; that he has enlisted Men in this Port, many of whom are not so obscure, as not to be generally known. I will mention, as an example, Mr. Young, of Portsmouth, who is now acting as First Lieutenant on board the said Brig. I will assert as a fact, that the *Atrevida* is the very Schooner, know before under the name of the *Romp*, the same that underwent a trial for Piracy before the Federal Court in this State; that her present Commander, Captain Grinnolds, is a Native of one of the neighboring Towns, and very well known in this Place; and finally, that this Vessel has been at one of the wharves altering her copper, which I call an improvement in her equipment.

If these public facts, falling within the knowledge of every Individual, require more proof than the public notoriety of them, I must

request to be informed as to the nature of that proof, and also whether you are not warranted to act upon just grounds of suspicion, without that positive evidence, which is only necessary before a Court of Justice.

Respecting the property which I have solicited you to stop, as you seem not to think yourself authorized so to do, I must observe to you, that by the law and general practice in this and other Countries, property in suspicious hands is frequently stopped; and I will go further and assert, that there is no doubt of the goods in question being stolen goods, or what, by way of softening the expression, are called prize goods, and all such property hitherto brought into this Country by this sort of Cruizers, has been adjudged by the Federal Courts, stolen property, and has been ordered to be restored to the rightful Owners. I do, therefore, most solemnly lay claim to this property, in behalf of the lawful Owners, who, I am confident will, at no distant period, come forward themselves to demand it; and I hereby reserve to them their rights unimpaired, to sue and recover from whomsoever they may be entitled to claim under the Law of Nations, and in conformity to the VIth and IXth Articles of the Treaty between Spain and this Country, concluded on the 27th of October, 1795, and under any other Law that may make in their favor.

I will now conclude by expressing a hope, that upon a thorough view of the subject, you will consider it consistent with the duties of your Office, to accede to my solicitation for the relief of the injured Subjects of Spain, and to prevent a number of bad Citizens of this Country, from committing further depredations on their commerce.

I remain, &c.

Mr. Charles K. Mallory. ANTONIO ARGOTE VILLALOBOS.

(*Enclosure 5.*)—*The Collector of the Customs, to the Spanish Consul, at Norfolk.*

SIR,

Collector's Office, Norfolk, 14th April, 1817.

I HAVE had the honor to receive your Letter of the 12th instant, and have bestowed upon it all the attention, which the limited time allowed me would admit of.

From the view I have taken of the facts, as now stated by you, which it is to be presumed are to be regarded as Specifications under the more general charges set forth in your Letter of the 10th instant, I must really confess, I do not at present see grounds sufficient to justify the steps you require me to take against the armed Vessels now in this Port, and the merchandise which has been permitted to be landed from them and deposited in the Public Store.

You assert as known facts, that the Brig now called the *Independencia del Sud*, is the same Vessel that was formerly known under the name of the *Mammoth* Privateer, belonging to Balti-

more, armed and equipped in that Port, from which she sailed under the command of the same James Chaytor who still commands her. That this very same James Chaytor was necessarily then, and cannot have ceased since, to be a Citizen of The United States; is settled and has a family in Baltimore, whence his wife came down a few days ago in the Packet, *Walter Gray*, and is now in this Town on a visit to her husband. That he has enlisted men in this Port, many of whom are not so obscure as not to be generally known, and you mention as an instance, Mr. Young of Portsmouth, who you allege is now acting as First Lieutenant on board the Brig. You further assert as a fact, that the *Atrevida* is the very same Schooner which was known under the name of the *Romp*, the same that underwent a trial for Piracy before the Federal Court in this State; that her Commander, Captain Grinnolds, is a Native of one of the neighboring Towns, and is very well known in this Place." And finally, that this Vessel has been at one of the wharves altering her copper, which you call an improvement in her equipment.

Now, Sir, supposing these facts to be what you affirm they are, matter of too great public notoriety to require anything like demonstration; do they prove so clearly that the Brig now called *Independencia del Sud*, was originally fitted out in this Country to aid the United Provinces of the River Plate in their struggle for Independence? that James Chaytor, a Citizen of The United States, assumed the command of her with that intention, under a Commission from that Government in the Port of Baltimore, and that he *commenced his Cruize*, against the Vessels of the Subjects of His Catholic Majesty with whom The United States are in amity, from that Port? On the contrary, do they not with equal or greater certainty tend to show that this Brig which you acknowledge was formerly the *Mammoth* Privateer, belonging to Baltimore, was fitted out during the late War between this Country and Great Britain, to cruize against the Vessels of the Subjects of His Britannic Majesty. That she was then under the command of, and probably owned in whole or in part by the said James Chaytor; that on the termination of that War the Owners of the said Vessel, having a right to dispose of her wheresoever and to whomsoever they thought fit, may have sent her under the command of the said James Chaytor from Baltimore to Buenos Ayres, where she may have been purchased by the Government of that Place and put upon their Naval Establishment, and that the same James Chaytor might *then* and *there* have accepted the Commission, appointing him to the command of her? I wish not to be understood as contending that this was the *case*, but that it is an inference which may be fairly deduced from the facts as specified by you. The Log-book and other Documents which I have in my possession, seem, moreover, to corroborate this view of the subject. It appears from them that she is a public

armed Vessel, not a Privateer, and *commenced her cruize* from Buenos Ayres under the orders of that Government, be it whatever you may please to term it, in May, 1816. Whether the said James Chaytor had the right, under such circumstances, to accept the Commission or not, or whether, when he sailed from Baltimore, being then a Citizen of The United States, he cannot have since ceased to be one, appears to me plainly and simply the question :—has a Citizen of The United States the right to expatriate himself and enter the service of a Foreign Power, not at War with his Native Country? A question which it is not my province to discuss, but about which, I apprehend, there can be but little doubt in this Country, whatever may be the antiquated notions prevailing upon the subject in the old Governments of Europe. His having a wife in Baltimore, and her coming to see him here, does not appear to me to affect the case at all, inasmuch as nothing is more common than for Foreigners to have wives here, Natives of the Country; an illustrious instance of which might be given.

With respect to the facts assumed by you of the enlistment of men in this Port, of which you mention Mr. Young as an evidence, suffice it to say, that from intimations I had received anterior to the date of your Letter, I had determined to make the proper inquiries, and to be satisfied upon this point, before those Vessels are permitted to sail, and shall be governed by the result; although it does not appear altogether perfectly certain, that such an augmentation of their force is interdicted by the Act of Congress, of the 3rd of March last, which being a Law highly penal in its nature, will admit of no latitude of construction. Permit me to observe, *en passant*, that this Mr. Young is by birth an Englishman, served several years in the British Navy, several in ours, and, I suppose, has now an equal right, provided it be not done in a manner to violate the Laws of The United States, to enter into the service of the Government, calling itself “The United Provinces of the River Plate,” or any other Government that will receive him.

With respect also to the Vessel, called the *Atrevida*, asserted by you to be the very Schooner, formerly known by the name of the *Romp*, and tried for Piracy, I proceed to remark, that this Vessel furnishes a strong argument against you; for after a full investigation of all the charges against her, supported, I believe, as they were by some of *her own Crew*, she was acquitted, as well as the Commander of her, Squire Fish, who had previously been an Officer in the Navy of The United States. The same remark will apply with equal force to her present Commander, Captain Grinnolds.

Upon the subject of the fact lastly stated by you, of the improvement in the equipment of this Vessel at one of our wharves, I have to observe, that on the arrival here of these Vessels, I had them examined, and an inventory of their armament, equipments, &c. taken,

and before their departure, I shall cause a re-survey to be made, with a view to ascertain, whether they have undergone, in any respect, any alterations, prohibited by the Laws of The United States. I cannot agree with you, however, that a mere alteration of her copper, rendered necessary, perhaps, by some damages, which, I understand, were sustained in the bottom of the Vessel, can be considered as an improvement "in her equipment."

As for the Merchandize which you "most solemnly lay claim to," in behalf of those whom you term the lawful Owners, which you assert "there is no doubt of being stolen, or what, by way of softening the expression, are called Prize Goods," I can only say, that I neither officially nor individually have any claim to it whatsoever. It is only deposited in the Public Store for safe keeping to guard against injury, as in other cases, which might result to the Revenue of The United States; and that I see no reason from any thing you have advanced, to change the opinion expressed in my last upon the subject. I know of no Decisions, such as you speak of, in the Federal Courts, adjudging Prize Goods to be "stolen property, and ordering it to be restored to the rightful Owners." If there be any such Decisions, they only go to show, that it is by *such Authority only*, and not by any that *I possess*, that the Articles in question can be detained or restored.

Having thus, Sir, gone through the different topics presented by you for my consideration, I shall conclude by assuring you, it did not require any thing you have pointed out to me, to remind me of any duty, which the circumstances of this case have rendered or may render it incumbent on me to perform.

I am, with respect, &c.

Don Antonio Villalobos.

CHARLES K. MALLORY.

(Enclosure 6.)—*The Spanish Consul, to the Collector of the Customs, at Norfolk.* (Translation)

SIR, *Spanish Consul's Office, Norfolk, 15th April, 1817.*

I HAVE received the Letter, which, in answer to mine of the 12th instant, you did me the honor to address to me yesterday.

Without denying any of the facts, on the strength of which I requested your interposition to prevent 2 armed Vessels, now in this Port, commanded and principally manned by Citizens of The United States, from sallying forth to renew their depredation upon the commerce of Spain, you state that you do not see sufficient grounds for stopping those Vessels, or the merchandize landed from them, and now in deposite in the public storehouse in this Place.

I do not mean to enter, on the present occasion, into a minute discussion of the several reasons you assign for the line of conduct, which you think proper to pursue in this case, because I think it sufficient for me to transmit Copies of my Correspondence

with you to my Government, through the channel of the Minister Plenipotentiary of His Catholic Majesty, in this Country. Still, you will permit me to advert to that part of your argument, purporting that it is not so clearly proved, that Chaytor's views, on leaving Baltimore with the armed Vessel under his command, was to cruise against the Subjects of Spain under a Commission from the pretended Government of the River Plate; upon which I will remark, that it is no longer necessary to form conjectures about the probable intentions of Men, when facts and overt acts have already fully developed their evil purposes. Thus, whether James Chaytor, in going out of Baltimore with the armed Vessels still under his command, had hostile views against the Subjects of Spain, a Nation in amity with this Country, is sufficiently solved by the hostilities which he has already committed, and still intends to commit, in the *same Vessel*, against the said Subjects.

I must also be allowed to notice that part of your argument, "that whatever may be the antiquated notions prevailing upon the Subject, in the old Governments of Europe, there is little doubt in this Country about the question, whether a Citizen of The United States has a right to expatriate himself, and enter the service of a Foreign Power not at War with his native Country." In this you certainly appear to me to have set up a mere speculative opinion, in opposition to a positive Law, namely, the stipulations in the XIVth Article of the Treaty with Spain, by which The United States have solemnly pledged themselves not to permit their Citizens to accept Commissions from any Prince or State, at War with Spain, for the purpose of cruising against her Subjects, and to punish as Pirates such of their said Citizens as shall act contrary to that stipulation.

With regard to the Schooner *Atrevida*, formerly the *Romp*, which Vessel you say "furnishes a strong argument against me," because, although tried for piracy, she was not actually condemned; I cannot avoid remarking, that since the time when she escaped merited condemnation, and her Commander and Crew condign punishment, she has been out cruising with the armament and Commission she took out from this Country, (it is pretty well ascertained, that she has never been at Buenos Ayres) and that in every respect she is evidently a Pirate, under the true meaning and intent of the said XIVth Article of the Treaty with Spain, and that her said Commander and Crew are actually engaged in piratical pursuits, in which course it behoves the constituted Authorities of this Country to stop them, when within their jurisdiction, and completely in their power.

Nor can I forbear to observe, before I dismiss the subject, that the self-styled Government of The United Provinces of the River Plate, will gain very little "in their struggle for Independence," by commissioning such a gang of greedy Freebooters, the scum of this

and other Countries, who caring little for the fate of that deluded People, excite, by their voracious appetite for plunder, the indignation, not only of the People of Spain, but of the honest and good of all other Nations.

I will now conclude, Sir, by repeating my solicitations and assertions contained in my Letters of the 10th and 12th instant, and by solemnly protesting in the name of my Sovereign, against permitting a number of Citizens, now within their jurisdiction, and under their control, to go out to cruise against the commerce of Spain, and to renew their hostilities against her Subjects; and I do also protest against delivering back to them certain articles of merchandize, described by you in general terms in your Letter of the 11th instant; which articles of merchandize are obviously taken from Spanish Subjects, contrary to Law, and especially contrary to the XIVth Article of said Treaty with Spain, and which, from the tenor of the VIth and IXth Articles of the same Treaty, ought to be retained in behalf of the lawful Owners.

I am, with great respect, &c. ANTONIO ARGOTE VILLALOBOS.
Mr. Charles K. Mallory.

(Enclosure 7.)—*The Collector of the Customs, to the Spanish Consul, at Norfolk.*

SIR, *Collector's Office, Norfolk, 15th April, 1817.*

I HAVE been honored with your Letter of to-day, in answer to mine of yesterday, and am perfectly pleased that our Correspondence has issued in a determination on your part, to transmit Copies of it to your Government, through its Minister in this Country.

I have nothing further to add on my part; but assurances of the respect with which, I am, &c.

Don Antonio A. Villalobos.

CHARLES K. MALLORY.

No. 20.—The Acting Secretary of State to Don Luis de Onís.

SIR, *Department of State, Washington, 22d April, 1817.*

By the direction of the President, I have the honor to ask, whether you have received Instructions from your Government to conclude a Treaty for the adjustment of all differences existing between the 2 Nations, according to the expectation stated in your Note to this Department, of the 21st of February. If you have, I shall be happy to meet you for that purpose. If you have not, it is deemed improper to entertain Discussions of the kind, invited by your late Notes. This Government, well acquainted with, and faithful to its obligations, and respectful to the opinion of an impartial World, will continue to pursue a course in relation to the Civil War between Spain and the Spanish Provinces in America, imposed by the existing Laws, and

prescribed by a just regard to the rights and honor of The United States.

I have the honor to be, &c.

H. E. Don Luis de Onis.

RICHARD RUSH.

No. 21.—Don Luis de Onis to the Acting Secretary of State.

(Translation.)

SIR,

Washington, 23d April, 1817.

I HAVE received your Letter of yesterday's date, in which you are pleased to inform me, by order of the President, that if I have received the Instructions which I expected, to conclude a Treaty for the arrangement of all the differences pending between the 2 Nations, you are authorised to enter into that Negotiation with me; but if not, you consider it improper to entertain Discussions on the subjects treated of in my last Notes.

In reply to these points, I have to inform you, with respect to the first, that my conjectures being confirmed, that my Instructions have been intercepted by the Pirates which infest the Seas, whereby their arrival is so much delayed, I have despatched my Secretary, Don Luis Noeli, in order that by informing His Majesty of this unexpected event, he may cause them to be renewed to me. As to what relates to the second point, I refer to what I stated to you in my Letter of the 21st of February, that I would entirely conform to the wishes of the President, to wait the discussion of those points until the arrival of the Instructions.

In the same Note you have been pleased to add, in reply to the different Notes which I have addressed to you, on the subject of the armament of Privateers in this Country, for the purpose or cruising against the Subjects of the King, my Master, that this Government, faithful to its obligations, and respectful to the opinion of the impartial World, will continue to pursue a course in relation to the Civil War between Spain and the Spanish Provinces in America, imposed by the existing Laws, and prescribed by a just regard to the rights and honor of The United States.

As all my Notes have been directed to this single object, and as I have, in conformity to your intimations, given correspondent Orders to His Majesty's Consuls, to require of the Tribunals the execution of those same Laws, there is nothing left for me to do, but to transmit to His Majesty this new assurance of the President, and to continue on my part to inform this Government of every thing which may contribute to maintain unalterable, the relations of friendship which exist between the 2 Nations, until the arrival of the Instructions which I have requested, and further to strengthen them by a Treaty which may put an end to all pending discussions.

I have the honor to confirm to you, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 22.—Don Luis de Onís to the Acting Secretary of State.
(Translation.)

SIR,

Philadelphia, 9th July, 1817.

I AM under the necessity of calling your attention, and that of the President, to what has occurred at Baltimore, in relation to the 2 Privateers or Pirates, which have lately entered the Bay of Chesapeake, and now are within the proper limits of the State of Maryland; the one commanded by Captain Taylor, and the other by Captain Stafford. It is notorious, that these Privateers, manned and armed in the Ports of the Union, sailed on a cruise against the Spanish Commerce, and have returned to the Waters of Maryland, with a part of the plunder and booty they have taken from Spanish and Portuguese Vessels.

For the due conviction of this outrage, the necessary Orders or Warrants were sent, at the request of the Consul of His Catholic Majesty in Baltimore, to the Marshal of that City, to proceed to the Arrest of the aforesaid Privateers; and for its execution, a Gun-boat was granted by the Collector of the Customs. All this, however, was in vain; the Marshal gave no effect to the Orders issued for this Arrest; and His Majesty's Consul seeing that 8 days had passed, without the Marshal taking a single step to fulfil the Orders he was charged with, called upon him, and claimed their execution; upon which he replied categorically, "that he was unwilling to proceed to the Arrest of the said Privateers, because it was not his duty to execute it, except they had entered the Port of Baltimore; but by no means in the Bay, although within the district of the State." The Consul lately applied to the District Attorney, complaining of this conduct; and he acknowledged, that indeed it was very extraordinary; but he took no steps to remedy it, or to enforce the observance of the Laws of The United States, in a case of so scandalous an example. These facts speak for themselves, and the mere statement of them is sufficient to make you and the President thoroughly sensible of the monstrous consequences, which the irregular conduct of this Marshal may lead to. It is perfectly evident, that the public Treaty between Spain and The United States, and the late Act of Congress, sanctioned as a general Law for the more strict observance of the Neutrality of the same States with Foreign Powers, are scandalously trampled under foot in Maryland; and that the Marshal, by formally disobeying the lawful Authority of the State, and that of the General Government of the Union, protected the hostilities and Piracies, carried on against the trade of a Nation, in a state of peace and amity with The United States. I cannot, therefore, do less than to remonstrate in the name of the King, my Master, against so manifest a violation of the Neutrality of this Republic, of its Laws, and of the Treaty existing between the 2 Powers, and to request that you will be pleased to obtain of the President the most prompt and effectual Orders, to cause the Marshal

of Baltimore to do his duty, and all requisite justice to the Subjects of His Majesty.

It is my duty also to call your attention and that of the President, to the conduct of the Adventurer, Sir Gregor M'Gregor, who since he was in arms with the bands of Insurgents in the Province of Venezuela, has come to these States, and been constantly engaged in enterprises to invade or disturb the tranquillity of His Catholic Majesty's Possessions in that part of the World. He lately recruited in Charleston a great number of Adventurers, and among them several Persons of note, viz: one Rouse, Son of a Colonel of that name, an inhabitant of that City; one Champion, who was a Commissary in the Service of The United States in the late War, and Store-keeper of Ordnance; one Heath, a Lawyer of the same Place; and many others whose names I pass over. He purchased, under a borrowed name, a Brig of considerable burden, which he despatched with Passengers to New Orleans, on the 19th of last month; and on the following day he went on to Savannah, in the Stage, according to common report, to recruit more People. His subsequent proceedings and hostile preparations in the bosom of this Union, against the Possessions of the Spanish Monarchy, are notorious, and are announced with a scandalous publicity in many Papers of these States. I hope then, that you and the President will apply the energy of your zeal, for good order and the observance of the public Laws, by restraining these excesses and vexations, which compromit the Neutrality, which the President has proposed to preserve in the dispute subsisting between the King, my Master, and some of his Provinces in rebellion, and render null, as you may imagine, the security in which the Government of His Catholic Majesty rests, in a reliance on the safeguard of the said Laws, and on that of the general principles of public good faith, which serve as the basis of the tranquillity and friendly intercourse between the Nations and Governments of the World.

I renew the assurances, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 23.—Don Luis de Onis to the Acting Secretary of State.

SIR, (Translation.) *Philadelphia, 2nd September, 1817.*

THE Viceroy of New Spain informs me, in several Despatches which I have lately received, that frequent cases occur of American Vessels, both Merchantmen and armed Ships, which, in running along the Coasts of those parts of the Dominions of His Catholic Majesty, enter their Bays, Roads and Harbours; sometimes for the purpose of exploring the Country and examining the state of things there, and at others, for that of assisting the Rebels with provisions, arms and warlike stores, and of landing Adventurers and other dangerous Persons, whose object is to join the Insurgents. The Vice-

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roy states, that the American Colonel Perry, had joined the Traitor Mina, with 500 men; and Savary, the Commandant of the Mulattoes, with another Body, having gone from New Orleans to incorporate their force with that of Mina and Aury, at Galveston, a Place within the Spanish Dominions;—that American Vessels are continually sailing from New Orleans, with supplies of arms, ammunition, and provisions, for those Banditti;—that the American Schooner *Saeta*, from New Orleans, entered the Harbor of Tampico, under the pretence of stress of weather, but, without any manner of doubt, for the purpose of examining the Country; and that the Privateer or Pirate *Jupiter*, had captured 2 Spanish Vessels off the Bar of the Mississippi very near to several American Vessels, &c. The Viceroy concludes by saying, that he cannot possibly think, that so many acts of hostility and violation of the Laws of Nations, and of the existing Treaty, can be permitted or tolerated by the Government of The United States; and that being desirous to contribute on his part, to the maintenance of the amicable relations subsisting between this Government and that of His Catholic Majesty, he had treated the American Vessels and Citizens, even in the cases of hostility and violation referred to, with unexampled kindness; but that now he left it to my zeal to endeavor to obtain of this Government, effectual remedies against these excesses; that, in the mean time, he had given orders to the Governors, Commandants, and other Officers, at the most suitable places within his Viceroyalty, neither to admit nor tolerate any American Vessel, or those of any other Foreign Nation, without the requisite Passport and License, and that he would exercise the rigor of the Laws against those, who should disturb the good order and tranquillity of the King's Dominions.

In consequence, therefore, of this request of the Viceroy, I add this Reclamation to those which I have already had the honor to address to the President, through the medium of the Department committed to you, on similar cases, and in the name of the King my Master; and I trust, that on your laying the whole before his Excellency, he will cause the most effectual measures to be adopted, to prevent the continuation of these excesses, and to enforce the due observance of the general principles of the Laws of Nations, and of the Treaty which governs between Spain and The United States.

I renew to you, &c.

The Hon. Richard Rush.

LUIS DE ONIS.

No. 24.—*Don Luis de Onis to the Secretary of State.*—(Translation.)
SIR, Philadelphia, 19th September, 1817.

A COMPLAINT having been laid before His Catholic Majesty's Government, by a part of the Crew of the Spanish Polacre *Santa Maria*, captured on her passage from Havana to Cadiz, by the Pirate

called the *Patriota Mexicano*, commanded by José Guillermo Estefanos, manned with Citizens of these States, and covered by their Flag, under which he chased and brought to the said Polacre, until having ascertained her Capture, he hoisted the Insurgent Flag ; I have received the commands of the King my Master, to request of the President through your medium, the most decisive measures for putting an end to the abuses practised in the Ports of this Union, by arming Privateers to cruize against the Spanish Trade, thus prostituting the Flag of The United States by these predatory acts, and trampling under foot with unparalleled audacity, National rights, and the existing Treaty between Spain and these States.

I therefore, now renew those urgent Reclamations, which, on former occasions, I have submitted to the President, through your Department, on this important point ; and I trust, that the numerous instances of these abuses and horrible depredations, will induce his Excellency to adopt energetic measures to restrain these excesses, which so deeply compromit the Neutrality of The United States in the eyes of all Nations, and are wholly repugnant to the friendship and good understanding happily subsisting between them and His Catholic Majesty.

I renew to you, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 25.—Don Luis de Onis to the Secretary of State.—(Translation.)
Sir, Philadelphia, 2nd Novcmber, 1817.

His Majesty's Consul at New York has transmitted to me a Copy of his Correspondence with The United States' Attorney for that District, whereby he requests, that in conformity with the Act of Congress of the 3rd March last, he would oblige a certain armed Brigantine to give security, or cause her to be seized ; the said Vessel having arrived at that Port from Norfolk, under the Flag of Venezuela, and recruited men to increase her Crew, in order to proceed afterwards to Amelia Island, there to join the Adventurer M^rGregor, and to co-operate in his nefarious plans against the Possessions of my Sovereign, and against the Spanish trade.

I have the honor to enclose a Copy of the said Correspondence, on the contents of which I think it entirely superfluous to make any comment : leaving it to you, Sir, to decide, whether the solicitude of His Catholic Majesty's Consul at New York, has been in conformity with the Laws and the abovementioned Act of Congress, and whether the Attorney for that District will rightfully have conformed thereto, by his strict observance of them, in obliging the Owner, or Captain of the said armed Brigantine to give the requisite security, that he shall commit no hostilities against the Subjects of His Catholic Majesty, and in preventing him from proceeding freely to Sea, to commit new depredations.

It is very disagreeable to me to have to repeat to you, Sir, what unfortunately I have been several times under the necessity of submitting to the President, through the medium of your Predecessors; namely, that the Act of Congress of the 3rd of March, 1817, has in no wise lessened the abuses by which the Laws are evaded, and render entirely illusory the laudable purposes for which they were enacted. From the greater part of the Ports of these States there frequently sail a considerable number of Vessels, with the premeditated intention of attacking the Spanish commerce, which carry their armament concealed in the hold. It rarely happens that they can be arrested, inasmuch as the Collectors of the Customs say that they have not at their disposition the Naval Force necessary to effect it; on the other hand, armed Vessels under the Flag of the Insurgents, enter into the Ports of the Union, and not only supply themselves with all necessaries, but also considerably increase the means they already have of destroying the trade of Spain, as has recently been the case at New York, whereby the (so-called) Privateers of His Majesty's revolted Provinces, which are in reality nothing more than Pirates, manned by the scum of all Countries, enjoy greater privileges than the Vessels of Independent Powers.

I request you, Sir, to lay particularly before the President the case which now obliges me to trouble you, in order that his Excellency, being made fully acquainted therewith, may be pleased to take such measures as are within his reach, to cause the provisions of the Laws of this Republic to be carefully fulfilled, to preserve the observance of the Neutrality with other Powers, and prevent the infraction of the Treaty existing between the 2 Nations; and thus avoid, not only the serious evils that the said Pirates cause to the Subjects of His Catholic Majesty, but the increase of the difficulties which the 2 Governments are endeavoring to overcome, for the purpose of establishing their relations upon a more friendly and permanent footing.

I flatter myself that you will honor me with your Answer, and, reiterating my respects, I renew, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

(Enclosure 1.)—The Spanish Consul at New York to the District Attorney General.

SIR, *Consulate of Spain, New York, 16th September, 1817.*

SOME days ago there arrived in the Port of New York an armed Brig proceeding from Norfolk, which I have been very credibly informed is a Vessel pretending to have a Commission from Venezuela, but whose object, in coming into this Port, was to procure an additional supply of men, wherewith to commit hostilities against the Subjects and Possessions of the King of Spain. A few days ago I presented to the Collector of the Port of New York, an Affidavit of a man named

John Reilley, stating that he had been requested to enlist on board of a Vessel, which was represented to him to be the Privateer Schooner *Lively*, bound to Amelia Island, to join General M'Gregor to invade the Territories of His Catholic Majesty.

I am now informed, that the Brig abovementioned is the Vessel alluded to, Reilly having either been mistaken in the name, or designedly deceived by the Agents of the Privateer. I now enclose the Affidavit of John Finegan, by which you will perceive, that the Officers of the above Brig (whose name is the *Americano Libre*, commanded by Captain Baruard) are enlisting, and have enlisted, men in this Port to proceed against the Spanish Possessions. I have caused application to be made to the Collector, who doubts the extent of his authority in interfering with this Vessel. Now, as there must be provisions in the Laws and Treaties of The United States, vesting an authority in some of its Officers to prevent the equipment of Vessels, and the enlistment of men, in The United States, to proceed against a Foreign Nation, at peace with The United States, I make this application to you, most urgently requesting you to take whatever measures may be necessary immediately, in order to prevent the departure of the above Vessel, at least until she shall give Bonds, that she will not commit hostilities against Spanish Subjects. The Vessel, it is said, will sail to-morrow morning.

Indeed, if an enquiry were instituted, I am induced to believe, the above Brig would be found to be a Pirate.

I have the honor to be, &c.

J. Fisk, Esq.

THOMAS STOUGHTON.

(Sub-Enclosure.)—Affidavit of John Finegan.

State of New York, ss.

16th September, 1817.

JOHN Finegan, at present in the City of New York, being duly sworn, saith, that he was requested by a Man, who is represented to be the Commissary of the Vessel next mentioned, to go out in the Patriot Brig, now lying at the quarantine ground; that the destination of the said Vessel is to fight against the Spaniards; that the Deponent was told, that on his arrival in the Spanish Possessions, he was to join the Land Service of the Patriots; that Deponent knows of 5 Persons, who have been engaged in like manner, who are about to proceed on board the said Brig; that Deponent was told, that as soon as he gets on board, he will receive his advance; that Officers are at present employed in the City of New York, in looking out for Men, and endeavouring to enlist them, to proceed in the said Vessel,

JOHN FINEGAN. (his X. mark.)

Sworn this 16th day of September, 1817, before me,

SAMUEL B. ROMAINE.

(Enclosure 2.)—*The Spanish Consul at New York, to the District Attorney-General.*

SIR, *Consulate of Spain, New York, 17th September, 1817.*

I ENCLOSE the Deposition of John Reilley, relating to the Privateer Brig, about which I yesterday had the honor to address you. You will perceive by the Affidavit, that Officers belonging to that Brig, are openly employed in this City, in recruiting and enlisting Men to join with General M'Gregor, and invade the Possessions of the King of Spain.

I need not remind you, that by the existing Laws of The United States, these enlistments are unlawful, and that not only the Vessel, on board of which they are to embark, is liable to seizure and forfeiture, but that the Captain and the Officers thereof, who are engaged in this business, are liable to a heavy fine and imprisonment. As these are flagrant violations of the Laws of The United States, and calculated to produce serious injury to the Possessions of His Majesty, and to the property of His Subjects, I flatter myself, that you will take, without delay, such steps, as may be necessary to put a stop to these proceedings.

I have the honor, &c.

J. Fisk, Esq.

THOMAS STOUGHTON.

(Sub-Enclosure.)—*Deposition of John Reilley.*

State of New York, ss. City of New York. ss. 9th September, 1817.

JOHN Reilley, at present in the City of New York, Mariner, being duly sworn, saith, that some days ago, Deponent was requested to embark on board of a Vessel which was said to be lying at the Narrows, in the Bay of New York, for the purpose of going to join General M'Gregor, and to fight against the Spaniards; that after he arrived at Amelia Island, he might either join the Land Service or the Naval Service; that Deponent would be paid as soon as he got on board; that several Persons were engaged in looking out for Recruits to proceed upon the same Service, and many Men were spoken to for the purpose. Deponent was then informed, that the Vessel was the Privateer Schooner *Lively*, but has since learned that it was a mistake, and that the Vessel in question is the Patriot Brig *Americano Libre*, Captain Barnard, which is lying at the quarantine ground, and is armed with several large guns, and many Men; that several Persons who are Officers, Captains, Lieutenants, and so forth, are at present employed in recruiting Men to join that service, and proceed in the said Brig to Amelia; that many hands have already been bespoken, and are now waiting for money which has been promised to them; that the offers made to them are to give them 8 dollars a month, and clothing, together with 10 or 12 dollars advance. Deponent supposes that the Officers above-mentioned, were in Treaty with about 20 Persons, who were to go on board as soon as their advance was paid to

them, and which the said Officers told them would be during the course of the day; among the Officers there is one who is called a General. That the above Men were told in Deponent's presence, by the Officers who were enlisting them, that they were principally wanted to join the Land Service against the Royalists. And further the Deponent saith not.

JOHN REILLEY.

Sworn this 9th day of September, 1817, before me,
FRANCIS R. TILLON, *Notary Public.*

(Enclosure 3.)—*The District Attorney-General at New York, to the Spanish Consul.*

SIR,

New York, 17th September, 1817.

I HAVE duly received your Notes of yesterday evening, and of this day, and have referred to the Statutes providing for the punishment of the offences stated. It is not a case, from the evidence mentioned, that would justify the Collector in detaining the Vessel; the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors. Oath is to be made of the facts, by the Complainant, who enters into a recognizance to appear and prosecute the Offenders before any process can issue. This oath being made, and recognizance taken, the Judge of the Circuit Court will issue a Warrant to apprehend the Accused, and bring them before him, to be further dealt with according to Law. When apprehended, it is the province of the Attorney of The United States, to conduct the prosecution to judgment. I have no authority to administer an oath, or to issue a Warrant, nor have I the power to issue any process to arrest and detain the Vessel in question, unless by the direction of an Executive Officer of The United States. By the reference you have furnished, the parties complained of, are to be prosecuted either under the 4th Section of the Act of Congress passed on the 3rd of March, 1817, or under the 2nd Section of the Act passed 5th June, 1794. By advert- ing to these Statutes, it will be seen, that the Vessel is not liable to seizure for the act of any Person enlisting himself to go on board, or for hiring or retaining another Person to enlist; the punishment is personal to the Offenders, and those who disclose the fact, on oath, within 30 days after enlisting, are protected from prosecution. The Offenders are to be arrested and prosecuted in the manner I have stated. I beg you to be assured, Sir, that it is not from a disposition either to shrink from the performance of my duty, or to decline interfering to defeat any illegal enterprize against the Subjects or Possessions of a Power, with whom The United States are at Peace, that I have stated to you the embarrassments I must encounter, in attempting a compliance with your request upon any information with which I am furnished. If it is in your power to procure the names of the parties, and the evidence upon

which a prosecution for a misdemeanor can be founded, I will readily co-operate with the proper Authorities in having every Offender arrested and brought to justice. It is impracticable for me, or any other Officer of The United States, to take any legal measures against Aggressors, upon the indefinite statement of certain Persons being concerned in an illegal transaction. Since the receipt of your Notes, I have had an interview with the Collector, and we are unable to discover any other legal course of proceeding in this case, than that adopted in the ordinary cases of misdemeanors.

I have the honor to be, &c..

Thomas Stoughton, Esq.

JONATHAN FISK.

(Enclosure 4.)—*The Spanish Consul at New York to the District Attorney General.*

SIR,

Consulate of Spain, New York, 19:h September, 1817.

I HAVE the honor to acknowledge having received yesterday, your Letter dated the 17th instant, in reply to mine of the 16th and 17th, wherein your mention that the case whereof I informed you in those Communications, was not one which would justify the Collector in detaining the Vessel; that the aggression is to be punished in the ordinary mode of prosecuting those who are guilty of misdemeanors; that oath is to be made of the facts by the Complainant, who enters into a recognizance to appear and prosecute the Offenders before any process can issue; that this oath being made and recognizance taken, the Judge of the Circuit Court will issue a Warrant to apprehend the Accused and bring them before him, to be further dealt with according to Law, and that when apprehended, it is the province of the Attorney of The United States, to conduct the prosecution to judgment; that you have no authority to administer an oath or to issue a Warrant, nor have you the power to issue any process to arrest and detain the Vessel in question, unless by the direction of an Executive Officer of The United States.

In reply, permit me to request that you will take this subject again into your serious reflection: I do not urge it for the present occasion, because, even though you should upon consideration adopt a different opinion from that which you have communicated to me, it is now too late, since the Vessel in question sailed from this Port this morning. But, Sir, can it be possible that the doctrine can be correct which you lay down in your Letter; and which forms your reason for declining to proceed against the persons who were enlisting men in this City, with the open and avowed design of taking them in a Privateer under the Venezuelan Flag to join with M'Gregor, and commit hostilities against a Spanish Possession? I furnished you with the Affidavits of 2 persons stating the fact, and you will excuse me in saying, that I cannot think the Laws of The United States render it incumbent

upon me to present myself before a Judge of the Circuit Court, and enter into Bonds to appear and prosecute the Offenders. On the contrary, Sir, the 35th Section of the Judiciary Act imposes upon the Attorney of The United States for each District, the duty of prosecuting all Delinquents for crimes and offences cognizable under the authority of The United States. I conceive, therefore, that as soon as the Attorney of The United States receives information of the infraction of the Laws, it becomes his duty to take such measures as may be necessary to bring the Offenders to justice : he is the person who must take the Witnesses before a Judge or Magistrate ; he must become the informer ; he must prosecute, that is, he must take, or cause to be taken, the steps which are necessary to arrest the Offenders and bring them to punishment. I am the more confirmed in this belief, because the 33rd Section of the Judiciary Act directs that Offenders may be imprisoned by a Judge or Magistrate, at the expense of The United States, and leaves it discretionary for the Witnesses to appear and testify. That Act does not require that the Informer should enter into Bonds to appear and prosecute. The offence of which I have complained is of a most serious nature. The United States should not afford means to one Nation at Peace with them, to annoy and invade another Nation also at Peace with them. And it becomes the duty of all the Officers of The United States, as they value the reputation and the interest of their Country, to discharge with alacrity and zeal those duties assigned to them, which can preserve the Neutrality of their Country, and prevent its becoming the centre of reunion for the Enemies of Spain, and to prevent their own Citizens joining in measures of hostility and aggression. It is a matter of notoriety, that the Insurgent Governments of South America all have their Agents in this Country, that swarms of Privateers are fitted out, armed, and equipped for War, in The United States ; and all the injuries and desolation committed by them upon the Spanish Commerce, emanate from the facilities which they find in The United States, to prepare for themselves these outrages. And, Sir, Congress having passed Laws rendering these acts illegal, I cannot admit that Individuals must undertake the task of informing against and prosecuting the Offenders. These offences are against the dignity of the Country, they affect the community at large ; I cannot, therefore, bring myself to believe that it is the province of Individuals to bind themselves to prosecute Offenders, any more than I can think that it is the duty of an Individual who gives information that a murder has been committed, to enter into Bonds to prosecute the Murderer. No, Sir, the Laws must have confided this odious but necessary task to its public Officers ; they must see that Offenders are brought to punishment ; and, Sir, I do further consider that this duty has by Law been devolved upon you. Regretting, therefore, that this expedition has been permit-

ted to proceed unmolested, notwithstanding the information which I communicated to you, you will excuse me if, on all future occasions of a similar nature, I should renew my application to you to prevent a new aggression. I beg you to be assured of the perfect consideration and respect, &c.

J. Fisk, Esq.

THOMAS STOUGHTON.

No. 26.—*Don Luis de Onís to the Secretary of State.*—(Translation)
SIR, Philadelphia, 2nd November, 1817.

I HAVE just received a Statement, dated the 14th of July, addressed to me by the Directors of the Royal Philippine Company at Madrid, informing me of the unfortunate fate of 2 Ships belonging to the said Company, the one named *Nuestra Senora del Buen Suceso*, alias, *La Esperanza*, and the other, *El Triton*, captured, the first on the 8th of June last, the day on which she sailed from Cadiz for Calcutta and Manilla, by the pretended Insurgent Privateers, *La Independencia del Sud*, commanded by James Chaytor, of 18 guns, and 1 traversing 42-pounder; and the *Mangore*, under the orders of the same Chaytor, of 14 guns, and 1 traversing 36-pounder; and the Ship, *Triton*, from Calcutta and the Coast of Coromandel, which was captured off the Cape de Verd Islands, after a gallant defence of 2½ hours, in which she lost 20 killed, and sprung her foremast, by a Privateer, (of the same description as the two above mentioned,) called the *Regent* alias *Trepacamara*, commanded by one Manson, who, when 17 days out from Baltimore, fell in with the *Triton*, and conducted her as a Prize to Buenos Ayres, where she arrived, on the 2d of April last, according to the advices received by the Underwriters at Lloyds, from their Agent at Buenos Ayres.

The Directors of the Royal Philippine Company, in giving me an account of these distressing events, inform me that they have understood, by the advices which I have given to the Principal Secretary of State of the King, my Master, that Captain James Chaytor, of the Piratical Vessel, *La Independencia del Sud*, kept depending, a demand made at the instance of the Spanish Consul at Norfolk, relative to the safe keeping of certain Spanish Property deposited in the Custom House of that Port, by the abovenamed Pirate, and one called the *Atrevida*; whence it is incontestably proved that the armament of *La Independencia del Sud*, is made in the Ports of these States, and that the Captain, Officers, and the greater part of her Crew are likewise Subjects of the same States. From presumptive causes and circumstances, they suppose that the other Privateer may be the *Regent*, alias *Trepacamara*, Captain Manson, which Vessel sailed from Baltimore 17 days previous to his capturing the *Triton*.

I have repeatedly found myself under the painful necessity of representing to the President, through the medium of your Predecessors,

that the XIVth Article of the Treaty between His Catholic Majesty and The United States, establishes the most positive right of Reclamation, on the Government and those Citizens who have taken or do take part in the numerous armaments of Privateers, which have taken place in the Ports of this Republic, under cover of the pretended Commissions so profusely circulated by the Insurgents of the revolted Provinces of the King, my Master, to attack openly and in a barefaced manner the Subjects and Commerce of Spain; and that the same Article declares those to be Pirates who engage in these horrid Cruizes, and consequently obliges the contracting Parties to punish them as such, as a just atonement for their offences. On the 2d and 15th of January, and on the 29th of March last, I officially addressed your immediate Predecessor, and remonstrated against the robberies and outrages committed by various Privateers, and among others, by those called *Independencia del Sud*, and *Mangore*, the Captains of which, James Chaytor and Barnes, are Citizens of these States. In the Note transmitted to the Secretary on the 4th of March, (14th March) I found myself under the necessity, in consideration of the excesses committed against the Subjects of the King, my Master, and of those which, through the impunity and toleration of some of the Authorities of this Country, were about to be repeated by Vessels bought, armed, manned, and equipped in the Ports of this Republic, in violation of the Laws of Nations, of the express Stipulations of an existing Treaty, and of the rights of humanity; and in discharge of my duty, I was laid under the necessity, I say, of representing and remonstrating in the name of my Sovereign, on the subject of the injuries and losses which had already resulted and might further result to his Subjects, and at the same time, of protesting against the Authors of the same. The capture of the Ship *Esperanza*, has been one of the fatal consequences of allowing the Privateer *Independencia del Sud*, to proceed freely to sea from Norfolk, after His Catholic Majesty's Consul, Don Antonio Argote Vallalobos had made proof of the illegal conduct and atrocious acts of her Captain, James Chaytor; and that of the Ship *Triton*, proceeds likewise from the toleration granted in this Country, of arming and equipping against the Trade of Spain; under which supposition, I cannot refrain from stating to you, in order that you may be pleased to communicate the same to the President, that the aforesaid Royal Company of the Philippines, have an incontestable right to claim of this Republic full Compensation for the value of the said Ships and Cargoes, by reason of the armament of the Privateers which captured them having been made in its Ports.

I have the honor to enclose for the suitable purposes, a Note of the articles shipped on board the *Esperanza*, at Calcutta and Manilla, for the account of the Royal Philippine Company, and of the return Cargo of the *Triton*, from Bengal and the Coast of Coromandel to

Cadiz ; which Sums united, amount, according to the invoice, to that of 701,980 dollars, to which is to be added an interest of 15 per cent. on the disbursement of the amount of the Cargo of the *Triton*, for the period of 1½ year, and 6 per cent. in Europe, on the Cargo of the *Esperanza*.

I hope you will take into consideration the contents of this Note, and be pleased to call the attention of the President to the interesting subject treated of in it, that His Catholic Majesty may adopt such measures as his wisdom may dictate to him, for the purpose of collecting as far as it may be possible, any parts of the 2 Prizes above named, for the benefit of their Owners ; and at the same time, giving orders to the competent Authorities in the Ports of this Republic, to discover such effects as may arrive, making part of the same.

I therefore hope this from your established zeal, and the well known rectitude of the President, deferring to my return to the seat of Government, the verbal communication of a plan which I have meditated, from a desire to settle amicably, an affair of such importance.

I avail myself of this occasion, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 27.—Don Luis de Onis to the Secretary of State.—(Translation.)
SIR, *Washington, 6th December, 1817.*

THE Message of the President embraces 2 particular points, in the paragraph in which he announces the actual state of the political relations between Spain and The United States, of which I wish to have a precise and exact knowledge ; to reconcile their true meaning with the sincerity and purity of the sentiments, of which the American Government makes profession, in conformity with those which animate His Catholic Majesty, when he anxiously seeks all possible means of settling the differences pending between the 2 Nations, and of strengthening his friendship and good understanding with The United States, on a basis, which, being confirmed by the most generous principles of good faith and mutual justice, may be lasting and unalterable, without leaving the seeds of discontent, or ground for fresh differences in future.

The 2 points I speak of, are, 1st, what relates to Amelia Island ; and, 2nd, what concerns Galveston.

The President announces, in respect to the first, that this Island, having been taken possession of by a party of People, who belong to no Country, or if they have belonged to any, they have, by their conduct, forfeited all right of public consideration or toleration, they having established in the said Island, a place of refuge scandalous by its Piracies, and seriously prejudicial, by a contraband trade, to The United States, chiefly in what regards the clandestine introduction of Negroes into the Territories of the Union, and the

carrying off or flight of others from the same Country, his Excellency has therefore determined to put a stop to this evil and has given orders accordingly.

It is my duty to remind you, Sir, that the Expedition which took possession of Amelia Island, was formed and armed at Charleston and Savannah, under the command of the Adventurer, Sir Gregor M'Gregor, and wholly composed of Citizens of this Republic, in violation of the Laws of The United States, the Law of Nations, and the existing Treaty between Spain and the said States. I denounced this Expedition to you at the time, and invoked the efficacious authority of the Federal Government, to prevent it, and punish the Offenders. The Expedition proceeded, notwithstanding, from the Limits and Ports of the Union, to invade that Island, and there commit the excesses on which the President touches. After M'Gregor had left Amelia Island, the District Court of South Carolina issued a Bench Writ to apprehend him, wherever he might be found within the American Territories. This Writ could not certainly be issued, without a legal evidence of the offence, nor could the offence be more enormous, or more notorious, in the face of the whole Union. It results from this, that there could be no just ground of converting into an act of hostility, or of public detriment to Spain, the evils which have flowed from the toleration of similar armaments in the bosom of this Union; armaments which had for their object the invasion and plunder of the Possessions of a friendly Power.

I, therefore, request you, Sir, to be pleased to inform me of the measures the President may have taken on this point, and of his intentions in relation to it, in order that by informing the Authorities of the King, in East Florida, thereof, those discontents may be avoided to which an erroneous conception may give rise, and all unfortunate impressions dissipated, which might disturb the lively and sincere desire of conciliation and perfect harmony which actuates His Catholic Majesty.

On the second point, relating to Galveston, the President announces, that in that place, which it is contended falls within the Limits of The United States in consequence of the acquisition of Louisiana, a number of vagrant persons had before established themselves, and committed acts of Piracy very prejudicial to the trade of The United States; and that, therefore, his Excellency had also taken measures to correct those abuses.

There are two things which I have to remark on this point. The first is, that the place of Galveston has not been, nor ever could be, within the Limits of Louisiana; because, at no time, did it make a part of it. It has constantly belonged to the Dominions of the Crown of Spain, as a Territory absolutely unconnected with, and distinct from Louisiana; and as such, ought to be maintained and respected,

until The United States produce Documents which establish their rights, and annul the titles, till now undisputed, of property and possession on the part of Spain, from the earliest times of its discovery and conquest, unto the present; and this will be determined, as there may be occasion for it, and may be just, at the time of amicably arranging the question of Boundaries between the 2 Nations, as His Catholic Majesty sincerely and earnestly desires, and as I have the hope to verify, in a short time, in his Royal name, by means of the Negotiation which we have established.

The second thing which I have to recal to you, is, that the King's Troops drove off from Matagorda the vagabond Freebooters, who had taken possession of that point; in consequence of which the same Adventurers were forced to evacuate Galveston, where they had also established themselves, so that neither of these Places was afterwards attacked or infested by them or any other banditti. Moreover, if by the occupation of Galveston at that time, The United States have sustained injuries, it is notorious, that Spain has suffered much greater, by the facility afforded to the Pirates in capturing Spanish Vessels, carrying them into that Place, and there selling them to the Citizens of this Union; that from this magazine of plunder, they conveyed the Spanish property to New Orleans and other parts of The United States, in American Vessels, as is well known to you, Sir, and to all the world. In any event, when the injuries reciprocally caused to American Citizens, by the Government or Subjects of Spain, or to the latter, by the Government or Citizens of The United States, are compared or estimated, such an Indemnification will be stipulated, as is agreeable to justice and good faith.

These remarks and others equally obvious, cannot fail to convince you, as I am sure they will convince the whole World, that there was not the smallest motive for proceeding to acts of violence, on either of the 2 points, which form the subject of this Note, and on which the President has touched in his Message. I hope that the intentions of his Excellency will not differ from this opinion; and, as well to avoid the disagreeable consequences which might arise from a misunderstanding, as to communicate to the King, my Master, the true state of things, I have to request of you, Sir, as I now do, a precise and satisfactory explanation on the above-mentioned 2 points, namely, of the measures taken by the President in relation to them, and of his intentions upon the subject.

I flatter myself, that you will have the goodness to give me the said explanation as speedily as the case requires; and in the mean time, allow me to renew, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 28.—*Don Luis de Onís to the Secretary of State.*—(Translation.)
SIR, Washington, 10th December, 1817.

ALTHOUGH I have but just arrived at the Federal City, as you know, I would not have lost an instant, after collecting the principal Papers and Documents, relating to the differences pending between His Catholic Majesty's Government, and that of The United States, in resuming and continuing with you, to a definitive conclusion, the Negotiation, which, by fortuitous causes, was suspended in the beginning of the present year, if I had not hoped to give you time for being so far disengaged, as to be able to devote to these important concerns, all the attention they require. But I ought no longer to defer on my part, the necessary steps to open Communications of such high interest, and consequently to proceed with you to the settlement and amicable arrangement of all the points in dispute between the 2 Governments.

You will doubtless have been convinced of the impossibility in which I was placed, of commencing this Negotiation last Winter, by reason of my not being furnished with Instructions suitable to the new character which ulterior circumstances had given to it, and my not having then received from my Government such as extended to this case. I despatched the Secretary of this Legation to Madrid to lay this deficiency before my Sovereign, and the difficulty under which it placed me, of entering into a Negotiation which might effectually restore the most perfect harmony between the 2 Powers, by putting an end to all disputes by means of a solemn Transaction, which, being founded on the principles of mutual justice, and combined in good faith with those of reciprocal utility and convenience, might be completely satisfactory to both Governments and both Nations. His Majesty, being filled with the greatest concern, on seeing that by this unexpected accident, the Negotiation was delayed, notwithstanding his most sincere and decided wishes to conclude it, and strengthen his friendship and good understanding with The United States, which he had manifested from the moment of his restoration to the Throne, gave immediate orders, that the necessary Instructions should be communicated to me, for the execution of this sovereign trust in its fullest extent; and, to omit no means, on his part, which might accelerate the desired epoch of this arrangement and definitive Transaction, he, at the same time, caused to be proposed, by his Principal Secretary of State, to the Minister of The United States at Madrid, a Project for the said Transaction; but it not having been admitted by that Minister, who said that he was not authorized to resume and terminate in Spain, the Negotiation already transferred to Washington, and committed to me; the aforesaid Secretary of Legation returned without loss of time, and brought me the suitable Instructions, accompanied with the positive orders of His Majesty, that I should omit no means, as far as they

might be compatible with justice, and the honor of his august character, to settle and terminate amicably all pending differences, and generously to satisfy The United States, in every thing which might depend on the free-will of His Majesty.

Such are the dispositions of the King my Master, and such the Orders which he has communicated to me, anxious as he is, to adjust all differences with The United States, and give them solemn proofs of his high esteem and sincere friendship.

I am ready therefore to resume the Negotiation, and to pursue it with you, in all the points embraced by it, until its final termination ; and I shall be very happy, if in doing so, I can satisfy all the desires and just hopes of The United States.

In consequence, I request, Sir, that you would be pleased to inform me, when you are ready to enter into this important Negotiation, and when it will be agreeable to you, that we commence the preliminary Conferences ; or in case you should consider them unnecessary, that we discuss the means of agreeing on, and fixing the most simple, expeditious, and suitable mode of proceeding, with all possible despatch, to the settlement and final adjustment of all the points in dispute.

I await your Answer to this Note, animated by the most lively desire and the most flattering hopes, of terminating all disagreements and discontents between 2 Nations, which, by their mutual interests and the generosity of their sentiments, have always lived in perfect union and friendship, and ought to cement them more and more for their common happiness.

In the mean while, I renew, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 29.—The Secretary of State to Don Luis de Onis.

SIR, *Department of State, Washington, 16th December, 1817.*

I HAVE had the honor of receiving your Letter of the 10th instant, and shall be happy to receive you at the Office of this Department the day after to-morrow, at 1 o'clock, to confer with you upon the subject of it. I am instructed by the President, on this occasion, to assure you of the satisfaction with which he has learned, that you are furnished with Instructions from your Government, adequate to the adjustment of all the differences between the 2 Countries, and of the earnestness of his desire that the Negotiation may terminate in an arrangement mutually satisfactory to both Parties.

I am, &c.

H. E. Don Luis de Onis.

JOHN QUINCY ADAMS.

No. 30.—*Don Luis de Onís to the Secretary of State.*—(Translation.)
SIR, Washington, 29th December, 1817.

AFTER I had informed you, in my Note of the 10th of this Month, and confirmed the same in our Conference of the 19th, of the frank and friendly dispositions of His Catholic Majesty's Government towards that of The United States, of his sincere desire to settle and terminate the differences pending between the 2 Governments, in a manner just and satisfactory to both, and the positive orders I had received, with suitable Instructions, to that effect; I also acquainted you, that the King, my Master, being disposed to oblige the United States in whatever might be compatible with the rights and honor of the Monarchy, and the dignity becoming his august character, would condescend to cede the 2 Floridas to this Republic, in consideration of an exchange or equivalent which might be useful or convenient to Spain. But as this exchange or equivalent must consist of a Territory belonging to The United States, and which may offer invariable points, marked by nature, to fix the divisional line between the Possessions of the Union and those of the Crown of Spain, in a manner never to admit of doubt or controversy hereafter, His Catholic Majesty caused certain Proposals for the said exchange or equivalent, to be made, through his Principal Secretary of State, to the Minister of The United States at Madrid. They were decidedly declined by him, on the ground of their being inadmissible; and I was informed by you that they are so considered by your Government, and that consequently it is necessary to have recourse to others, which may be admissible in the existing state of things.

Although the Proposals made by His Majesty's Principal Secretary of State, to the Minister of The United States at Madrid, were neither absolute nor unalterable, it is easy to perceive that they are founded on the perfect conviction of His Majesty as to the irrefrable and notorious rights by virtue of which the Crown of Spain has possessed both Floridas since she acquired them of England, and also the Provinces and Districts of Country possessed by her to the Westward of Louisiana, and which have ever been independent of, or absolutely unconnected with, and separate from, that Province, without having ever passed, since their discovery, conquest and possession, under a Foreign Dominion. But, as The United States, since their acquisition of Louisiana, conceive they have a right to a greater extent of Territory, both to the Eastward and Westward thereof, by setting on foot a dispute respecting the Boundaries which separate them from the Spanish Possessions, and pretending that they ought to include part of those Possessions, it is not strange that the exchange or equivalent proposed for the Floridas, did appear inadmissible. It has therefore become indispensably necessary, to free this question of Boundaries from all obscurity, and to adjust and establish the true points which

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divide, or ought to divide, the Spanish Territories from those of this Republic. Unless this enquiry and deliberation be previously made, it is absolutely impossible to point out or judge of a just equivalent, which would be admissible and satisfactory to the 2 Contracting Parties, inasmuch as the requisite basis of a cession and its equivalent, is wanting; this basis, as is obvious, must be laid, in the valuation of the Territory specified in the Contract, which valuation must be preceded by establishing the Territory belonging to Spain, and also that belonging to The United States.

You cannot, therefore, but agree with me, Sir, that it is absolutely necessary we should first settle the principal points relative to the question of Boundaries, before we proceed to form and offer Proposals for the Cession of the Floridas, and for an equivalent to their value or estimation, or for the general and definitive settlement of all pending differences. Although this matter has already been the subject of Negotiation at Aranjuez, it cannot be said, that the discussion should be considered as terminated or exhausted, or that the American Government, having then stated its positions and opinions on the subject, it will not depart from them, although the opinions His Catholic Majesty sustains, be different. It is unquestionable, that in the discussion entered into at Aranjuez, and early interrupted, not a single point or ground was touched on, on the part of The United States, that could serve as a support to their pretensions; and that on the part of Spain there were produced Titles, Dates, Documents, and Arguments, incontestably proving, by abundant and irresistible evidence, the rights of the Monarchy to the Territory in question; rights founded on property and immemorial possession, acknowledged by different Powers, and never disputed by any. This affair is consequently not confined to points of opinion, on which each Party may respectively maintain that which is best suited to them: it is reduced to unalterable truths, and positive and certain facts. I assure you, Sir, in the name of my Government, and the King, my Master, solemnly promises it on the inviolability of his Royal word, that the moment it shall be shown and proved, that any of the Territories now in dispute, do *not* belong to the Crown of Spain, and on the contrary, that they *do* belong to The United States, His Majesty will, with the greatest pleasure, surrender to the disposal of The United States, such Territory or Territories as it shall be made to appear do not belong to the Spanish Monarchy, and will, in good faith, acknowledge the right of The United States to the same. His Majesty wishes for nothing that is not his own, or to which his Crown has not a lawful right. I cannot but believe that the views of your Government agree with those I have just stated, and that consequently we ought to lose no time, in immediately resuming the discussion commenced at Aranjuez, as to what relates to its principal points, and, by impartially examining the grounds established by

both Governments, and the arguments and proofs which they both have to produce anew in support of their rights or pretensions, acknowledge frankly and with good faith, what belongs lawfully to Spain, and what belongs lawfully to The United States. Guided by the certain principles of reason and mutual justice, it will be easy for us, by means of this investigation, to form a settled opinion, and come to a just result as to the Boundaries which do or ought to separate Louisiana from the Spanish Possessions, and thus terminate this dispute. That which is connected with the question of losses and injuries, is still more simple and easy to arrange, as you admitted, when we conversed on that point in our late Conference; and it will therefore prove no obstacle to our agreeing on the Cession desired by The United States, and proceeding to it by means of a final settlement of all pending differences, which may at the same time embrace whatever may be stipulated by this particular Agreement.

You may perceive, Sir, that the mode I propose, is the most simple, just and proper for accomplishing the Negotiation to be entered upon, and is that which was adopted by Mr. Erving, the Minister of The United States, in his Note of the 26th of August, 1816, in which he informed His Majesty's Government, that he was ready to enter into a full and frank discussion of all the points in dispute, and pledged himself thereto. As nothing further has since been done on the part of Spain, than to transfer the Negotiation to Washington, the same reasons subsist which then dictated the incontestable propriety and necessity of resuming the discussion; reasons, of which you are doubtless fully convinced, as they are not to be combatted by any explanations, when examined with good faith, because they are self-evident, and are identified with the soundest principles of justice.

In consideration of these reasons and principles, I hope you will have no objection to agree to a succinct examination of the question of Boundaries, and to a rational and fair inquiry into the titles and grounds on which each Government rests its rights and pretensions. The natural order seems to require that we should begin this examination and inquiry with what relates to the Eastern Boundaries of Louisiana; that after establishing them as they ought to be, we may proceed to examine and establish, in like manner, those which regard the Western; it being, nevertheless, well understood, that neither by this Act, nor any one whatever of those which contribute to produce the present Negotiation, it shall be inferred, that His Catholic Majesty renounces, in any manner, the right he has, or may have, to reclaim against the non-fulfilment of the Treaty of St. Ildephonso, concluded between Spain and France in the year 1800, and against the solemn Stipulations contained in the Additional Articles of the same Treaty, forming an essential part of the Contract between the 2 Nations.

The Boundaries of Louisiana, on that side, join those of West Florida, and are so precisely established and fixed by Public Treaties, that I do not think your Government can still persist in the opinion that Louisiana ought to be extended, by this Spanish Province, to the River Perdido. If, however, the imagination, resorting to specious subtleties and abstractions, carries us back to the period when France formed Settlements on the left of the Mississippi, and possessed what are now 2 distinct Provinces, namely, Louisiana and West Florida, still the certain and incontestable fact will follow, that Spain acquired neither of the Floridas from France. That Power, while in possession of those Territories, as she was until 1763, might name them and point out their respective Limits as she thought fit. That is quite unimportant to the present question. It is certain, that by the Treaty of 1763, France ceded to England all the Territory possessed by her to Eastward of the Mississippi, with the exception of the Island of Orleans; and it is also certain, that England united, as her own, from that year, the same Territory to Florida, which, by the same Treaty, Spain had ceded to her; and that, having added thereto the District and Port of Pensacola, she called it West Florida, by which name, and no other, it has ever since been known. In the War of 1779, Spain conquered the said Territory of West Florida from England; and this right of conquest was afterwards secured by a solemn Treaty, between England and Spain, in September, 1783. It is by this title that West Florida belongs, until the present day, to Spain, in addition to East Florida, which was also ceded by the said Treaty. It is evident then, that Spain neither acquired or received from France either of the Floridas, but that she acquired them both of England, in 1783, classed as 2 distinct Provinces, and universally known by the names of West Florida and East Florida. She has, from that period, possessed them separate and distinct, without having ever confounded either of them with Louisiana, either in whole or in part. They are laid down distinct and separate, in the Maps, Charts, and Geographies of all Nations, from the year 1763, to the present day. In all the public Acts and Instruments which speak of them, they appear distinct and separate, as they do in the different Treaties in which they are mentioned.

This being the case, how can your Government still maintain its opinion? The United States acquired Louisiana from France, such as *she* had acquired it from Spain by the Treaty of St. Idelphonso. In this Treaty nothing is stipulated but the retro-cession of Louisiana; nor is there a single word in the whole Treaty that bears the most distant allusion to West Florida, which is the object to which the dispute is reduced in that quarter. The Clauses of the Treaty are clear, precise, and conclusive; they fix the sense of the stipulation invariably. and leave no room for vague or specious constructions. The very

title given to that Treaty by the Contracting Parties, at once pointed out the Territory restored by Spain to France, in exchange for the Kingdom of Etruria. The title says, "Retro-cession of Louisiana;" and the word "*retrocession*" has not, nor ever had, any other signification, in the Spanish or French language, than the act of restoring to an Individual, or a Nation, that which had before been received from him, or from it; so that a different signification cannot be given to this word (adopted by the Contracting Parties to express the nature of their stipulation) without changing the proper and genuine acceptation, in both languages, of the definite term they have respectively employed, and without substantially changing the intentions which serve as the basis of the Contract.

The 3 Clauses by which they afterwards go on to fulfil this Convention, agree perfectly with the said title, and by supporting and explaining each other, they fix it in a clear and precise manner. The first Clause says: "That His Catholic Majesty restores Louisiana to France, with the same extent it had when possessed by Spain." It is well known that no part of the Floridas, or other Spanish Possessions, was then included in Louisiana, or annexed to it. At that time Louisiana, was, in the hands of Spain, precisely what it was when ceded by France, in virtue of the Treaty of 1764. In the same Treaty its Eastern Boundaries are marked by a line running Eastward from Manchac point, thence following the course of the River Iberville, and dividing the Lakes Borgne, Pontchartrain, and Maurepas, and finally terminating at the Gulf of Mexico, without leaving the smallest doubt as to the true points of the Frontier. This is the Territory which Spain retro-ceded to France, because it is the only one which she possessed under the name of Louisiana. The 2nd Clause agrees with the first, and opportunely declares and fixes its import.—It says: "and with the same extent it had when possessed by France," expressions, which necessarily refer to the period of time which intervened between the Cession, by France to England, of the Territory possessed by her on the left bank of the Mississippi, and the Cession made by the same Power to Spain, of Louisiana. As the first of these 2 Cessions took place in the year 1763, and the second in 1764, it is evident, that, during that interval, France possessed Louisiana in the manner stated; and with the same extent did she cede it to Spain, nor could she cede it with more, as she then possessed nothing more in that part of the American Continent.

If a different meaning be given to this clause, by supposing that the Contracting Parties allude in it, to a former period, when France possessed Louisiana, jointly with the Territory ceded by her to England in 1763, it would place this Clause in absolute contradiction with the title, and with the first Clause of the Treaty of Retro-cession, because, Louisiana not having, prior to the year 1763, while in the

hands of France, the same extent it had when in the hands of Spain at the time of the Treaty of 1800, nor the same that it had when ceded by France to Spain, in 1764, it follows, that the 2nd Clause would be absurd and unmeaning; if it alluded to a period of time anterior to 1763. It would be absurd and unmeaning, because, having no other object than to explain and determine more circumstantially the 1st Clause, which is the fundamental one of the Treaty, and that which governs the other, it would express a thing which could in no wise agree with the stipulations contained in it; since, by giving greater force to the import of the 2nd Clause, that which is considered the fundamental basis of the first, would be rendered false and erroneous. It would be absolutely contradictory to the express object, and intent of the Treaty; since, Spain not having received Louisiana from France with the extent in which she possessed it prior to the year 1763, but with that which it had when it was ceded in 1764, the retro-cession, which as I have just said, is the express object and intent of the Treaty, could not take place. Spain could only cede back to France what she had received from her; nor could she, moreover, add to the retro-cession any other particular Territory of her Dominions, without expressing or mentioning it. Louisiana was ceded back to France, such as it was received from her, and as she possessed it in 1800, and had possessed it since she had acquired it. In fact, if Louisiana, while in the hands of Spain, included no part of West Florida, and if Spain had received no part thereof or of the other Florida, from France, how could she cede it back to France, or cede it without naming it, or saying a single word which could allude to this idea? Let us therefore agree, that it is impossible to give an arbitrary construction to the 2nd Clause of the Treaty of St. Ildephonso, or any other than that which it has and ought to have, in connexion with the 1st Clause, and with the title and the express object of that Instrument. You cannot but be fully convinced, Sir, of this truth; and on proceeding to the examination of the 3rd Clause, you will find what I have just stated still more comprehensively and clearly demonstrated. This Clause says, "and as it ought to be after the Treaties concluded between Spain and other Powers." The only Treaties to which this Clause could refer, were the following:

1. That of 1764, by which France ceded Louisiana to Spain. In this Treaty the Eastern Boundaries of Louisiana are marked by the course of the Mississippi, and next by the River Iberville, the Lakes Borgne, Pontchartrain, and Maurepas. It was consequently proper here to recal what was set forth in this Treaty.
2. That of 1783, between Spain and England, by which the latter confirmed to Spain, the possession and property of West Florida, which she had conquered during the war; and ceded to her East Florida. It is a very fit moment to recal the inviolability of this Treaty, since it is evident from it,

that the Floridas are two Provinces independent of Louisiana, absolutely unconnected with, and distinct from it; and that they came into the possession of Spain by very different titles, in consideration of which, one thing cannot be confounded with another. And the 3rd is that of 1795, concluded between Spain and The United States. As in this Treaty the frontiers between The United States and the Spanish Possessions are described, and the Floridas are named as Provinces notoriously unconnected with and distinct from Louisiana; as by it the dismemberment of Natchez, Nogales, &c. was effected, and as it is therein stipulated, that the navigation of the Mississippi shall be free to the Americans and the Spaniards, and a place granted in favour of the former for their commodities on the banks of the Mississippi, for which purpose New Orleans was designated for the term of 3 years; it was consequently thought proper to refer to this Treaty, and show that it, as well as those of 1764 and 1783, is, and ought to be, in full force and effect.

You will perceive, Sir, that the 3 Clauses stipulating the retro-cession of Louisiana to France, cannot be more conclusive; that they are properly connected with and support each other, by declaring and explaining the intentions of the Contracting Parties, and the precise nature and extent of their Contract; so that it is impossible to give another interpretation to any of the said Clauses; as that would place them in contradiction with each other, and would, moreover, obscure the evident truth of facts, and involve a monstrous violation of public Treaties, without excepting that of 1778, between France and The United States. You doubtless bear in mind, Sir, that by the VIth Article of that Treaty, France solemnly engages never to acquire West Florida, or any portion of the Territory ceded by her to England, in 1763. How then could she, in 1800, acquire West Florida or any part of it, even although the Treaty of St. Ildephonso were not specifically and solely confined to the retro-cession of Louisiana, such as it was at that time, and as it had been since 1764. The understanding rejects all doubt on points so clear and evident. By the Treaty of St. Ildephonso, France herself only received Louisiana, such as it was in the hands of Spain, and as it was after its cession by France; it is well known that it is the act of delivery which completes the Contract. France was satisfied with what was delivered to her, and neither claimed nor pretended to any thing more. Would the French Government, under Napoleon, have failed to claim this additional Territory, if, in that Treaty, there had been found a single word of which it could avail itself, or the smallest pretext for making the claim? Certainly not. France knew perfectly well that Louisiana did not comprehend a greater extent of Territory, and that all was delivered that belonged to her at the time the Contract was made.

The French Government itself, after the dispute arose between

The United States and Spain, which is now pending, declared, in 2 Official Notes, " that the Eastern Boundaries of Louisiana are pointed out by the course of the Mississippi, and by the River Iberville, and the Lakes Pontchartrain and Maurepas, that Spain has ceded back nothing more to France, nor had the latter a right to pretend to more ; and, that having substituted The United States in her rights, they could pretend to nothing more in virtue of the cession, or sale made to them of Louisiana."

" 12th Fructidor, 12th year."

" The Eastern Boundaries of Louisiana are pointed out by the course of the Mississippi, and afterwards by the River Iberville, the Lakes Pontchartrain, and Maurepas. This is the line of demarkation which bounds the Territory ceded by Spain to France, by the Treaty of the 30th of Ventose, 9th year. Nothing beyond this limit would have been asked for by France, and as she did nothing more than substitute The United States in the rights which she had acquired, they cannot require of Spain a more extensive cession, unless such cession be negotiated and stipulated between them and Spain by some further Convention."

" 5th Germinal, 13th year."

" This question could not become the subject of a serious discussion between Spain and The United States, except the conditions of the Treaties of Cession, which have successively transferred Louisiana to France and the Americans, were lost sight of."

" Spain could only cede back to France the Territory she had received from her: the rights of France were afterwards transferred to The United States, and they were so only to the same extent."

If, notwithstanding this full and irresistible demonstration, you should be of opinion, Sir, that it is still necessary to clear up this point, let us have recourse to France, that she may afford all the explanations that are judged to be necessary or useful ; since nothing is more proper than that She and Spain should know to what the Treaty concluded at St. Ildephonso is reduced, and they alone are competent to clear up any doubts that may have arisen as to the import of the expressions employed in the said Treaty. It is unquestionable that it agrees with the principle generally acknowledged, that when a Law or Treaty offers any doubt, from the obscurity or ambiguity of the words contained in it, the Party which made the Law or the Treaty, is the one which should explain the meaning of such words, and remove the doubt which has occurred.

I would now proceed to declare what are, or ought to be, the Western Boundaries of Louisiana, and what are those which separate, or ought to separate it from the Spanish Possessions, were I not apprehensive of making this Note too diffuse. Reserving myself, therefore, to discuss this point in a separate Note, I now recal to your considera-

tion the chief grounds and arguments on which Spain founds her exclusive right to the whole extent of West Florida, in order that when we are agreed upon this point, we may proceed to a like examination and deliberation on the Western Boundaries of Louisiana.

But although this is the order pointed out by reason and justice in the actual state of the pending differences, nevertheless, that we may judge, upon the most exact information, of the grounds and arguments of each Government respectively, and after agreeing on what belongs to Spain and what belongs to The United States, we may be enabled to lay the basis of a general and final settlement of all differences; if you should think that there can be a more expeditious mode of settling and terminating them, without prejudicing the inviolable rights of the Crown of Spain, and on principles of reciprocal utility and convenience, you may communicate your ideas thereon to me, with the certainty that it is the earnest wish of His Catholic Majesty that this Negotiation may be amicably terminated, for which purpose he has given me decisive orders and Instructions; and I again assure you, Sir, that I shall think myself very happy, if in this Negotiation I can satisfy all the just desires and hopes of The United States, for which I shall omit nothing that is in my power, or may be compatible with the rights and honor of His Majesty's Crown.

I renew to you the assurances, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 31.—*Don Luis de Onis to the Secretary of State.*—(Translation.)
SIR, Washington, 5th January, 1818.

In my Note of the 29th of last month, I proved to you, to a degree of moral demonstration, which I think to be fully convincing, what are and ought to be the Eastern Boundaries of Louisiana; and I hope such incontrovertible, decisive reasons, cannot fail to bring you fairly to acknowledge, that Louisiana neither does, nor can, include any part of West Florida. As I have not yet received your Answer to the said Note, it was my intention to wait for it, and not proceed to the examination of the 2nd point of the question of Boundaries, before we had agreed on and settled what relates to the 1st, in order to proceed methodically, and not to involve or embarrass the plain and expeditious course of this investigation; but being desirous of not losing an instant in explaining every point relative to so important a matter, I anticipate the examination of the Western Boundaries of Louisiana, which is the 2nd point of the question, thereby facilitating whatever may claim your attention as to both, in their respective order, and enabling you to comprehend the truth at once.

I might contend, that The United States, having received the Province of Louisiana from France, with no greater extent than it had when France received it from Spain in 1800, and when Spain acquired it

from France in 1764, that that and no other ought to be the extent which properly belongs to it, without the necessity of recurring to any other reasons or grounds than those resulting from the Treaty of St. Ildephonso; since, Spain having ceded back to France in 1800 only what she had received from her in 1764, being that which France sold to The United States, it is easy to investigate and establish what were and in all that period continued to be, the proper extent and Limits of Louisiana; but I am willing to admit, that France did substitute The United States in all the rights or pretensions she had or could have, at another period, as to what regards the Western Boundaries of that Colony when her's, although nothing to that effect is expressed or insinuated in the Treaty between France and The United States, by which the latter acquired it; and that the contrary is evidently to be inferred from the fact, that France inserted, word for word, in this Treaty, the conclusive Clauses of that of St. Ildephonso, which speak simply and precisely of the *retrocession* of Louisiana. I admit (to go on to a more copious and irresistible demonstration) that The United States have succeeded to all the rights which France may have had at another period; and I call your attention, Sir, to the following observations, before I enter on the examination of the data or grounds on which The United States rest their Claims of extending, in that quarter, the boundaries of Louisiana to the Rio Bravo del Norte.

It is well known, that for Ages before France thought of forming Establishments on the Mississippi, and therefore long before she had made any in Canada, the Crown of Spain possessed the whole Territory around the Gulf of Mexico, from the Peninsula of Yucatan to the Southern Cape of Florida. If the Eastern part of the said Gulf, as far as Panuco, the whole of which was then known under the extensive (generic) name of Florida, was not actually peopled by Spaniards, it is notorious and indubitable, that it was discovered by them as early as the year 1511, under the expedition of Juan Ponce de Leon; that all the Coast, from the present Florida to Panuco, was explored by Francisco de Garay in 1518, and also by Hernando de Soto, and continually by other Spanish Commanders until 1561, when it was explored and described by Angel de Villafane, and Jorge Ceron; said discoveries and description having been made in pursuance of a Royal Order issued for that purpose, Papers of that description being still extant; and it was confirmed that from those remote periods, Spain was established as the Mistress and Possessor of all that Coast and Territory; and that she never permitted Foreigners to enter the Gulf of Mexico, nor any of the Territories lying around it, having repeated the Royal Orders by which she then enforced the said prohibition, and charged the Spanish Viceroys and Governors with the most strict observance of the same.

The right and dominion of the Crown of Spain to the North West

Coast of America, as high up as the Californias, is not less certain and indisputable, the Spaniards having explored as far as the 47th degree, in the Expedition under Juan de Fuca in 1592, and in that under Admiral Fonte, to the 55th degree, in 1640.

The Dominion of Spain in these vast Regions being thus established, and her rights of discovery, conquest, and possession, being never disputed, she could scarcely possess a property founded on more respectable principles, whether of the Law of Nations, of Public Law, or any others which serve as a basis to such acquisitions as all the Independent Kingdoms and States of the Earth consist of.

Confining ourselves at present to the Mexican Gulf, and to the Spanish Provinces situated to the Westward of Louisiana, we shall see in what manner Spain extended her population and founded Settlements in different points of the vast Territory of which she was the Mistress and Possessor in this part of the New World. All the Country extending from the Rio de las Palmas to the Confines of Panuco, in latitude 48 degrees, was then included under the name of Florida, and crossed the Mississippi. From the time of the Expeditions undertaken to explore it, in 1512 by Juan Ponce, in 1525 by Vasquez de Ayllon, in 1527 by Panfilo de Narvaez, in 1538 by Hernando de Soto, the Spaniards were incessantly engaged in advancing their Discoveries and Settlements, in this extensive Country; not only in the time of Luis Moscoso, and of Pedro Melendez, between the years 1542 and 1545, but they were constantly so in the time of all their Successors. At the time of their first Expeditions, they landed in the Bays of Santa Rosa and Espiritu Santo, or St. Bernardo, surveyed the whole Coast, and crossed the Mississippi. They penetrated into the Countries of Hirrhigua, Moscoso, Umbaracaxi, Aurera, Ocali, Apalache, Altapalia, Cofa, Mobile, Chasquin, Guigate, Uhangué, Guachoya, and others, which it would be tedious to enumerate. The same Hernando de Soto, after having in person surveyed the Coast and interior of the Country, crossed the Mississippi, and penetrated as far as the Rio Negro, in 1542, died at Guachoya.

No European Nation had yet attempted to disturb the Spaniards in their Possessions in the New World; none had trod on any point of those Territories, and the Spaniards continued extending their Establishments, as the only Nation which had acquired the possession and the property of that part of the American Continent and Islands. They gave rise to the new Kingdoms of Leon and Santander, in the year 1595, and to the Province of Coahuila in 1600. They founded that of Texas in 1690, establishing Missions, Hamlets, and Posts, under the name of Presidios, such as those of Bahia del Refugio, St. Antonio, Espiritu Santo, St. Juan, Nacogdoches, Ayeses, and San Miguel de los Adaes, a short distance from the Rio Roxo (Red River), extending themselves to the banks of that River.

Long before, they had established themselves in New Mexico, where they built the Capital of Santa Fé, in 39 degrees north latitude, and opened and worked mines in its neighborhood. From thence they spread themselves wide of the rivers that empty from north to south into the Missouri, communicating and trading with the Indian Nations; so that from that time Spain considered all the Territory lying to the east and north of New Mexico, as far as the Mississippi and Missouri, as her property. These Dominions and Settlements of the Crown of Spain were connected with those which she had on the Gulf of Mexico, that is to say, with those of Florida and the Coasts of the Province of Texas, which being on the same Gulf, must be acknowledged to belong to Spain, since the whole circumference of the Gulf was her's, which property, incontestably acquired, she had constantly maintained among her Possessions, not because she occupied it throughout its whole extent, which was impossible, but on the principle generally recognized, that the property of a lake or narrow Sea, and that of a Country, however extensive, provided no other Power is already established in the interior, is acquired by the occupation of its principal points.

These premises being established, and not being to be shaken, as they are all supported by history, ancient monuments, tradition, and irrefragable Documents, let us proceed to examine their origin, the grounds on which your Government maintains its pretensions.

As early as the commencement of the 17th Century, France and England began to form Expeditions in imitation of the Spaniards, and to discover points for Settlements in that part of America. The French Expeditions penetrated into Canada by the River St. Lawrence, and those of the English were directed to different parts of the Coast on the Atlantic. Hence originated the basis on which the 2 Nations afterwards founded and extended their respective Settlements. I shall now only speak of those made by the French, as they serve as a support to the actual pretensions of The United States. Francis Ribaut, an Adventurer of that Nation, had already penetrated into Florida with some Followers, towards the end of the 16th Century, and built the Fort called Charles Le Fort; but this rash enterprize on the Territory of the Crown of Spain, was immediately overthrown and dissipated, the Spanish Governor, Pedro Melendez, having attacked and taken the Fort, and made prisoners of Ribaut and all his People. Mention is likewise made by some Writers, of another Frenchman, called René de Laudonnière, who is said to have landed from the Squadron of Admiral Coligny, on the Coast of Florida, in the year 1564, and built a Fort which he named Carolin, about the spot where Pensacola now stands; but the same Writers add, that the Spaniards immediately attacked the French, put them to death, and razed the Fort or Redoubt they had built. Others say, that it was on that same

Fort that the Spaniards afterwards built the Fortress of St. Augustin. So vague and so uncertain is the information respecting these particular Adventurers. The story related of a Recollet Friar, called Father Hennepin, is still more ridiculous, who is said to have been made a prisoner by the Indians, at the time they were at War with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the Country as far as the banks of the River St. Louis or Mississippi, of which he took possession in the name of Louis the XIVth, and gave it the name of Louisiana, (doubtless in his secret thoughts and by a mere mental act). It is added, that this Friar escaped from the Illinois, and returned to Canada, where he related all he had seen, and afterwards published it in France more circumstantially in a Memoir, which he dedicated to the celebrated Colbert. These accounts and others of the like nature are contemptible in themselves, even though the facts they relate were authentic, since nothing can be inferred from them, that can favor the idea started by those who speak of these transient Adventurers and incursions.

Let us see what importance can be attached to what is said of Bernard de la Salle, who, in 1679, descended from Canada to the Mississippi, and there built Fort Crevecoeur, according to M. du Pratz, or Fort Prudhomme, according to others. What is certain, amounts to this, that he only made a rapid incursion from Canada to the Mississippi, as any other Adventurer might do, crossing the Territories of another Nation; that he returned to Quebec without any further result, than that of an imperfect exploration of the Country: and that he embarked at Quebec for France, from whence he returned in 1684 with an Expedition composed of 4 Vessels, commanded by Captain Beaujeu, to explore the mouth of the Mississippi. This Expedition entered the Gulf of Mexico, on the 12th of December of the following year. La Salle being deceived in his reckoning by the currents of the Gulf, could not find the mouth of the River, and being overtaken by a storm on the Coast of the Province of Texas, he was obliged to take shelter in the Bay of St. Bernard. 2 of his Vessels were captured by the Spanish Cruizers, another was lost in the Bay, and Beaujeu returned to France in the only one that escaped. La Salle having landed with some People and 10 pieces of artillery, then built a small Fort as a protection against the Indians, and was obliged to change his ground 3 different times; notwithstanding which, the Clancoates Indians, inhabiting the adjoining Country, forced him to abandon the Fort, and to retreat by the Rio de la Trinidad (Trinity River). While on this retreat, he formed a project of penetrating into the interior of the Country, to see if he could discover the (fabulous) mines of Santa Barbara; but he was assassinated on his route by his own People; and such was the result of the famous French Expedition so much talked of. The Indians fell immediately on Fort St. Louis,

and massacred the small Garrison left by La Salle. The remainder of the French who accompanied him, shared the same fate; being dispersed in different directions after the fall of their Chief, they perished by the hands of the Indians.

In the mean time, news of this incursion having reached Mexico, the Viceroy, fearful of a repetition of similar attempts, held a Council of War to deliberate on the affair, in obedience to the Royal Order issued by Philip II, enjoining the extermination of all Foreigners who would dare to penetrate into the Gulf of Mexico. An Expedition was then resolved on, to be formed at Coahuila, under the command of Alonzo de Leon, to scour the Country and hunt out the French, if any were still remaining. Having set out with the necessary Force, he arrived on the 22nd of April, 1689, at the place where La Salle had built Fort St. Louis, and on the 24th, at the entrance of the Bay, where he fell in with the remains of the French Vessel that had been wrecked. Having heard on his march, that some of La Salle's Companions were still wandering about the Country, or had taken refuge with the Indians, he shaped his course towards the Nation of the Asimaïs, and was received by them with marks of friendship and respect; he, however, found no traces of the French, as no more of them were in existence.

Alonzo de Leon treated the Asimaïs with the greatest kindness, and called them *Texas*, which in their language signifies "Friends." On the 22d of May, of the same year, he wrote to the Viceroy, informing him, that there existed neither French nor any other Foreigners in the whole Country; that the Texas Indians possessed great attachment and good will to the Spaniards, and that it would be very proper to establish Missions and Garrisons throughout that Country, to prevent any future attempt or incursion of Foreigners, and to preserve the conquest. This subject having been deliberated on in Mexico, the Mission of St. Francisco de Texas was founded in 1690, after that Nation had voluntarily submitted to the Crown of Spain. The Viceroy of Mexico continued to take effectual measures for protecting the Country and preventing the intrusion of any French Adventurers. The Court of Spain, on being informed of what had passed, renewed rigorous Orders to the same effect, and also gave directions for the instruction and government of the Indians. Such were the objects of the Expedition under Don Domingo de Teran, and of that which was effected under the command of Don Gregorio Salinas, in May 1693. Since that period the Province of Texas has continued in perfect tranquillity under the Spanish Government, and no further attempts have been made by the French to penetrate into any part of it.

You see, Sir, that the excursion of La Salle can give France no rights to that Province, which had long before been acknowledged to be, and was incorporated in the Spanish Dominions. Such an excu-

sion was in fact nothing more than the rash attempt of a Foreigner to explore part of the Territories of another Nation, and is not substantially different from that made by M. Le Vaillant in the Country of the Caffres to the North East of the Cape of Good Hope; by which however, France acquired no right to that part of the Dutch Possessions, although they were still desert when the said Le Vaillant explored them. What Territories are there in the World, especially in extensive Dominions, still new and thinly peopled, in which excursions of that nature have not been made by Individuals of Foreign Countries, sometimes of neighboring Nations, which is the most common, and sometimes of those which, although at a distance, actuated either by curiosity or ambition, undertake to explore unknown Countries, inhabited by other People and governed by other Powers?

Nor can I refrain from recalling here what has been written and thoroughly investigated, touching the pretended Settlement of the French in the Illinois and Arkansas.

Whether they were some of the Individuals of La Salle's expedition, who had survived it, as M. du Pratz has it, or whether they were other Adventurers from Canada, it seems beyond a doubt, that some Frenchmen did penetrate as far as the Arkansas, towards the end of the 17th century, or the beginning of the 18th; on which point, however, the records of that period do not exactly agree. Enterprising People from Canada, both Frenchmen and Natives, communicated with the Indian Tribes, and penetrated far into the Interior, to purchase Cattle, and for other purposes of traffic. Some of them, therefore, fixed themselves at the post of Arkansas, not as Settlers, but as Agents, to carry on the Trade between Canada and the Natives of this District. The same took place at the post of the Illinois, long before the first foundation of the French Colony of Louisiana was thought of.

Father Marquez, a Jesuit, had penetrated in 1671, as a Missionary, into the Indian Nation called Saulteux, as far as Chagwanigung, on Lake Superior; and in the year following one Soliet, with a view to explore the Mississippi, proceeded from Canada to Chagwanigung Point. After joining Father Marquez, they both advanced and succeeded in penetrating to that River by the Ouisconsin. They met with a considerable population in the country of the Illinois, at the mouth of the River Moingora; and after promising to visit them on their return, they suggested to those Indians the idea of entering the Country by the River, since called the Illinois; and the Indians did so, and settled in a District known by the name of the Great Rock, or Great Penasco, about 5 leagues higher up than the mouth of the River. Soliet and Father Marquez could descend the Mississippi no farther than the Arkansas, and on their return from their excursion, they found the Illinois encamped at the Great Penasco. Soliet con-

tinued his retreat; and Father Marquez determined to remain with these Indians, to instruct them in the principles of the Christian faith. In this attempt he was succeeded by other Missionaries, who afterwards proceeded to found a church there, sufficiently regular, composed of Illinois and Canadians, who had met and united with each other; these People were in no ways subject to the French Government, but lived independent, in the manner of several Indian Nations bordering on The United States. Several other Indians of the Miami and Shawanoe Tribes, came and settled themselves near the Big Rock, or Great Penasco, but they disagreed, and soon after dispersed. A party of the Illinois went down the River and settled at Cahokia, on the left Bank of the Mississippi, 15 or 16 miles below the mouth of the Illinois. Other Missionaries followed them, and thus went on this kind of Colony, informal or wandering, but always independent of and unconnected with the French of Canada.

Let us now speak of the Settlement of the French in the Country called by them Louisiana. The first spot occupied by them in this Country, was the Bay of *Biloxi*, about 30 leagues to the Eastward of the Mississippi, in the year 1699; or more strictly speaking in 1700; and Mobile, a little farther Eastward, where they established themselves, was during 22 years, the Capital of their new Colony. From that time they observed the greatest caution in the Settlements they formed on the Banks of the Mississippi. Seventeen years had passed since the foundation of their Colony, when they ventured to raise some huts on the left bank of that river; and this was on the spot now occupied by New Orleans, which 5 years afterwards became the Capital of the Colony; when the intimate relations between France and Spain, not only by virtue of the Family Compact, but more particularly by the elevation of Philip the Vth to the Throne of Spain, favored the toleration of a dexterous encroachment on a Territory, which was acknowledged to belong to that Monarchy. In 1722, the French succeeded in fixing some German families on the right bank of the River, opposite to the Settlements which they already had above and below the new City of Orleans. They afterwards settled some Acadians a little higher up, and finally, some others at Point Coupe. But the whole limits of these cottages or settlements did not extend to more than 15 or 20 acres of land, upon the front of the river, so that the French, seeing a want of cattle, and feeling the necessity of establishing herds to keep up a supply, turned their views to the extensive and fertile prairies of Atacapas; and the Governor of Louisiana thereupon applied to the Commandant of the interior Provinces of Mexico, for permission to establish some herds only, which was frankly granted to him by the Spanish Commandant. In fact, they had nothing more than cattle establishments in Atacapas and Opelousas, when the Colony was transferred to Spain in 1764. They had never gone farther;

and it is to the Spaniards that the Colony is indebted for the extensive population and cultivation of that part of the Territory afterwards ceded back to France, and transferred by her to The United States; as was also the case in the Settlements of La Fourche, Avayelles, the Rapides and Ouachita, which did not previously exist, but were formed by the Spaniards within the proper limits of the Monarchy.

From hence, you will clearly see, Sir, that so far from Spain having retained any point belonging to French Louisiana, when she ceded it back by the Treaty of St. Ildephonso, she left incorporated with it many Points, Settlements and Territories, which, in truth, did not belong, nor ever had belonged to the said Colony.

It would be too fatiguing, to trace step by step, all the incursions of the French from Canada, or from Louisiana, into other points of the Spanish Dominions, by passing through Indian Nations, or uninhabited Countries. I cannot, however, omit touching on the accidental circumstance which gave rise to their Settlement at Kaskaskias, 20 leagues below Cahokia. The inhabitants of Illinois, who had no connexion or dependence whatever on Canada, at length undertook to go down the river and trade with the French at Biloxi and Mobile Bay; and these Traders having discovered fertile and beautiful prairies on the right of the small River Kaskaskias, several of the French Settlers removed thither in the year 1703, and founded what is now the Town of Kaskaskias; but they always lived independent and in alliance with the Indians, until the Louisiana Company sent M. de Boisbriant, as the King's Lieutenant, with troops, to reduce and direct that Settlement. It was afterwards considerably increased in the hands of the French, who successively formed the Settlements of Chartres, St. Philip, Prairie des Roches, and Prairie Dupont,—but still, as you perceive, Sir, on the left of the Mississippi; and it was not till several years afterwards, that they settled St. Genevieve, opposite Kaskaskias, on the right of the said river,—an inconsiderable Settlement, which made no progress until the Country was ceded to England.

In fine, all the written documents and historical evidence, relating to French Louisiana, agree in dividing it into Upper and Lower, and proving that Lower Louisiana is bounded on the north by Bayou Manchac, by which it communicates from the River Mississippi to the Iberville; and that Upper Louisiana commences above the said Bayou, the Post of Natchez being the principal Settlement of the French in that quarter, in whose neighborhood they cultivated tobacco. The Settlement of Natchitoches which they afterwards formed, was considered as depending on Upper Louisiana.

It would be easy to prove that this latter Settlement was made by the French within the Spanish Territory, and merely through the condescension or sufferance of the Viceroys of Mexico, and the Governors of the Province of Texas. Before the French had founded New Orleans [1817—18.]

leans, there already existed the Spanish Missions and Settlements of San Francisco, La Purissima Concepcion, San Jose and Na. Sa. de la Guadalupe, at a very short distance from Natchitoches; and the right of property and possession on the part of the Crown of Spain to the whole of this Territory as far as the Mississippi, was notorious.

I am aware that the French attacked the Missions of Texas, during the War between France and Spain under the Regency of the Duke of Orleans; that for this purpose they proceeded from the Post of Natchitoches, and that the Spaniards retreated to San Antonio de Bexar, till the Governor of the Province, the Marquis de Valero, advanced to chastise and keep the Enemy in check. This Commander marched against them in 1719, drove them from the Spanish Posts, and obliged them to shut themselves up in Natchitoches.

This Expedition is connected with the authentic facts, of which Mr. du Pratz has made up a ridiculous and fabulous tale, in his History of Louisiana, when he speaks of a Frenchman of the name of St. Dennis, and supposes certain Conventions entered into between him and the Duke de Linares, Viceroy of Mexico. In 1715, St. Dennis penetrated from Mobile to the Spanish garrison of San Juan Bautista, with 3 Companions, and a passport, on pretence of going to buy cattle in the Missions of Texas, but in reality to carry on a contraband trade, and explore the Country. Both he and his Companions were seized and conveyed to Mexico. After a variety of adventures, St. Dennis made his escape, and was one of those who set out from Natchitoches with other Frenchmen, to attack the inhabitants of Texas, as I have before stated.

After this event the Marquis de Aguayo came to Texas, re-established the old Missions, and founded new ones, viz: Pilar, Adaes, Loreto, at the Bay of Espiritu Santo, or St. Bernard, and Dolores, known by the name of Orquizaco; he greatly improved San Antonio de Bexar, and placed the whole Frontier of the Province in a respectable state. Thus the Spanish Settlements remained tranquil until Louisiana was ceded to Spain, when the Garrisons of Adaes and Orquizaco were suppressed as being no longer necessary.

As a further proof that the Post of Natchitoches was acknowledged even by the French as being within the Spanish Territory, I shall add 2 facts; the first is, that when Captain Don Domingo Ramon came with a Party to Texas, after St. Dennis and his followers were sent to Mexico, he paid a friendly visit to the French at Natchitoches, and entered that Fort with the Royal Baton and Insignia, as a sign of the dominion and jurisdiction of Spain, to which the French made no opposition. The second fact is, that in the year 1742, the French Governor of Natchitoches being desirous to remove that Fort, which had been injured by an inundation, somewhat farther from the bank of the Rio Roxo, (the Red River,) he waited on the Spanish Governor of Adaes, Don Manuel de Sandoval, and requested the necessary

permission to do so. Sandoval granted it, as the site, to which he wished to remove it, was no farther than a musket-shot from its former situation. Notwithstanding, the Viceroy of Mexico, on being informed of this act of accommodation, highly disapproved it, and despatched Colonel Don Francisco de Brito to Adaes, to supersede Governor Sandoval, and bring him under guard to Mexico, to be tried there before a Court Martial; which was carried into effect with all the rigor of the Law.

It is unquestionable, from the historical series of facts and the most unexceptionable Documents, that the Province of Texas extended to the Mississippi, and that the French never crossed the River into that District, but through the sufferance or permission of the Spanish Governors; and that in consequence of the former abusing the generosity with which they were permitted to trade with the Indians of that Territory, and to hold, for that purpose only, the Posts of Natchez and Natchitoches, positive orders were issued to drive the French from the whole District, and destroy the said Posts. The Spanish Commandant advanced with a sufficient Force to execute those orders; but he acceded to the proposals of the French at Natchitoches, which were confined to this, *that Arroyo Hondo, which is midway between Natchitoches and Adaes, should be considered as the dividing line, until the determination of the 2 Courts.* In this state things remained without further change, and so continued, until the Cession of Louisiana to Spain relieved those Provinces of Spanish America from all embarrassment and trouble from the French. But it always was an undeniable fact, established by irresistible titles and Documents, that the French neither held nor had held, to the Westward of the Mississippi, in 1719, any other Post than Natchitoches, which they held merely by the condescension of Spain; and that the Spanish Settlement of Adaes, only 5 leagues distant from the Rio Roxo, (Red River,) existed much earlier, and did so exist until Louisiana was transferred to Spain. The Parochial Records of Nacogdochez and Adaes, with the Registers of Births, Baptisms, and Deaths, attest it still more circumstantially, as well as the proceedings of the pastoral visit made in 1806, by Don Primo Feliciano Marin, Bishop of the new Kingdom of Leon, who visited the District of Adaes and the whole Province of Texas.

The right which Spain always had to all the Territories to the North and East of New Mexico, as far as the right bank of the Mississippi and the Missouri, is proved with equal certainty. All these Territories, and the different branches, falls, and waters of the Mississippi, were always comprehended within the line of the Spanish Dominion in that part of America, from the earliest periods of its discovery and conquest. Although the French penetrated several times from Mobile and Biloxi, to different parts of that line, they never

acquired any right to them. Their excursions were confined to trading or smuggling or exploring the Country. The huts or Posts, which they had in some Indian Nations, were trifling Establishments, clandestine and precarious, which they were unable to preserve. The Spaniards had traded much earlier than the French with all these Indian Nations; with the Missouris, extending along the River of that name; the Padornas, beyond the River La Platte, and still farther to the northwest, with the Latanes, and finally with several others, as being with the Dominions of the Crown of Spain.

The French themselves never disputed the rights of the Spaniards to possession and property, nor laid claim to these parts of the Territories of the Spanish Monarchy. The Court of France always took the greatest care not to injure the rights of Spain, on all occasions of making grants of land within her Settlement of Louisiana; and the French Settlers at all times carefully respected the right bank of the Mississippi, throughout its whole extent, as the well known property of Spain. No Memorial can be found declaratory of a contrary opinion, except a Decree of Louis the XIVth, dated at Fontainebleau on the 14th September, 1712, in favor of M. Crozat, ceding to him and the Company formed by him, the French Settlement of Louisiana, with an ideal and vague demarcation of Boundaries, by extending them mentally to New Mexico, and the English Province of Carolina, and along the Mississippi from the sea to the Illinois, &c. It is evident, that the Court of France did not then possess any knowledge of the geography of that Country, or that New Mexico was considered as bordering on the Mississippi; notwithstanding Louis the XIVth had carried his liberality so far in that Grant, as to give the French Company even the River Mississippi and the Missouri. He might with equal reason have given that of the Amazons, the La Plata, and Orinoko. You are perfectly aware, Sir, that the expressions of this Grant are vague and absurd. They never could alter the fixed Limits of French Louisiana, or of the Spanish Possessions. The Grant of Louis the XIVth was always considered as the act of a disordered imagination. The Spaniards constantly preserved their dominion over all the right bank of the Mississippi to the Missouri, and over all the Territories and Waters, from the former to the right shore of the latter. Even the French themselves, notwithstanding this famous Grant, never ventured to go beyond the certain and well known Limits of their Settlement, or violate those of the Territory and Dominions of the Crown of Spain. It is, therefore, of no consequence to us, if such a blunder was committed by those who penned the said Grant at Fontainebleau. If a Document of this nature was sufficient to dispossess a Nation of its Dominions, or of any part of them, what security could there be in any part of the Possessions of Independent Kingdoms and States? Can there be a mind

capable of conceiving, that such a Paper can fail to be absurd and completely despicable, since it never took effect, has always been resisted as rash and extravagant, and since the incontestable rights of Spain to the property and possession of the said Territories, existed then and do still exist? Certainly not.

The Court of France was immediately sensible of the extravagance of that Grant, as no farther mention was made of it. On the contrary, when it ceded Louisiana to Spain in 1764, M. Kerlet, who had been many years Governor of that Province, was ordered to draw up a Memoir, containing a description of its proper extent and limits. This Memoir, delivered by the Duke of Choiseul, Minister of France, to the Spanish Ambassador at Paris, as a Supplement to the Act of Cession of Louisiana, agrees substantially with that which I have just now pointed out. I would carry this demonstration still farther, if I thought it necessary; and I will do so, if you shall have any thing to object to it. In the mean time, I now confine myself to declare to you, Sir, and to the Government of The United States, in the name of the King, my Master, that although Spain has an original and indisputable right to all the right bank of the Mississippi, His Majesty has resolved to claim this right, solely with a view to adhere to the *uti possidetis*, or state of possession, in which the Crown of Spain was, when she acquired Louisiana in 1764, and in which that of France was at the time she made the Cession. His Majesty, paying due respect to all such Treaties and Conventions, as have caused a change in the state of possession of the 2 Nations in that part of America, religiously confines himself to the express period, when Louisiana was circumscribed by the well known extent and Boundaries, with which it passed into the hands of The United States.

As these Boundaries, to the Westward of the Mississippi, although always notorious and acknowledged, have not been marked out with the formality necessary to avoid doubts and arbitrary pretensions, and as it is only evident, that they undoubtedly proceed from the Mexican Gulf, by the River Marmento or Marmentao, and Arroyo Hondo, by drawing a line between Natchitoches and Adaes, which crosses the Red River, and extends towards the Missouri, I have done no more than point out the basis for a line of demarcation; and after we have agreed on this basis, a Commission composed of Spaniards and Americans, formally appointed and authorized by their respective Governments, can and ought alone, to examine and fix the Boundaries between the Possessions of the 2 Powers, keeping in view the Documents exhibited on both sides, and comparing them on the spot with the points to which they refer. The basis they now speak of, as necessary for this demarcation of Boundaries, must be sought for precisely in the most marked, leading, and notorious points, which showed the proper direction and extent of the Territories of Spain, France, and

England, in 1763 and 1764, since we cannot seek for them in preceding periods, the Possessions of the 3 Powers in this part of the American Continent, being then very different from what they have been since those periods, in virtue of Public Treaties, which are, and ought to be, inviolable.

The situation, therefore, of the 3 Powers, until 1763, was as follows: The Crown of Spain extended its dominion to the East, over the right side of the Mississippi, from its mouth to the mouth of the Missouri; and to the North, over the right side of the latter river from its mouth to its source. Florida, already contracted by the *intrusive establishment* of Louisiana, commenced at the River Perdido, and extending Eastward, towards the River Santa Maria, (St. Mary's) included the whole Peninsula, which extends as far as the 23rd degree of south latitude. Its Northern Boundary was not yet fixed. In addition to the Colony of Louisiana, such as I have shown it was, and ought then to be, France possessed the Territories of Upper and Lower Canada, extending south to a line running from the River Alivamo, and following the chain of the Alleghanies until it struck above Chaleur Bay. England extended her Possessions to the South of the said line, on the Coast of the Atlantic, from the River St. Mary to the River St. Croix, and added to those Possessions all the Territory lying North of the 2 Canadas, as far as Hudson's Bay and Lake Winnopeeg, which had been ceded to her by France, at the Peace of 1713.

But France, as you know, Sir, was, by the Treaty of 1763, excluded from the Continent of North America, with the exception of Louisiana, then reduced to the Island of New Orleans, and to the tract of Country to the North of Missouri, and extending to the British Possessions. By that Treaty she ceded to England both the Canadas, and all that part of Louisiana, extending over the left side of the Mississippi from its source to the Bayou Manchac, and thence following the left of the River Iberville, the Lakes Maurepas and Pontchartrain, the Coast and Islands, to the River Perdido. Spain ceded, in like manner, Florida to England, such as I have described it; and in the year 1764, which is the second period when it is necessary to distinguish and fix the basis referred to, she acquired, by Cession, from France, her remaining portion of Old Louisiana. She afterwards acquired what France had ceded to the English, on the left of the Mississippi, and Florida also, which she had ceded to them in 1763, as is proved by the Treaty of 1783. This Treaty, and those of 1763 and 1764, before-mentioned, are those which it is necessary to keep in view, together with that of St. Ildephonso, by which Spain ceded back to France what she had received from her; and France accepted the delivery, declaring herself satisfied, and took possession, by virtue of an Act of His Catholic Majesty, which expresses the *Retrocession*

of Louisiana by Spain to France, such as she had received it from France, in 1764.

The Treaties between France and The United States, and between the latter and Spain, the first in 1778, and the second in 1795, must likewise be kept in view, to illustrate incontestable rights and establish unalterable principles. To the Treaties just mentioned, your Government, as well as His Catholic Majesty, may add all such other Titles and Documents as may be thought necessary to remove or settle any doubt which may arise in the subject matter, to the end that the basis of a Demarcation may be laid down upon a due understanding, and established and fixed with the greatest possible exactness.

You are perfectly aware, Sir, that there can be no other just mode of settling the dispute in relation to the question of Boundaries, and that it is the one which has always been adopted by all Nations in similar cases; it being the anxious wish of His Catholic Majesty that this Demarcation may be so accomplished as to leave no room for doubts or controversy in future, by proceeding to it with good faith, and in a manner that may be satisfactory to both Parties.

I, therefore, conclude this Note with the same opinion that I expressed in my former one, namely, that it is indispensable to examine, ascertain and agree upon, the points necessary and essential to the establishment of the true Boundaries, which separate, or ought to separate, Louisiana from the Spanish Dominions; and that this can only be determined by the mode proposed. If you will be pleased to point out to me any other, which, while it fulfils that object, may be conciliatory and compatible with the rights and honor of the Crown of Spain, you may be assured, Sir, that I shall adopt it with pleasure; as I shall thereby further the intentions of my Sovereign, which are to terminate, as speedily as possible, the disputes now pending, in an amicable manner, so as to leave no spark of disagreement in future.

With these sentiments I have the honor, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 32.—Don Luis de Onis to the Secretary of State.—(Translation.)
 SIR, *Washington, 8th January, 1818.*

HAVING stated to you in my Notes of the 29th of the last, and 5th of the present month, all that I thought proper and necessary on the subject of Boundaries, that we may ascertain, discern and fix with impartiality, justice and good faith, those which divide or ought to divide Louisiana from the Spanish Possessions situate to the East and West of that Province, acquired from France by The United States; I now proceed to discuss the different points on which your Government founds Claims against those of His Catholic Majesty.

As this matter was sufficiently discussed (*ventilado*) and placed in the strongest light of evidence by the Spanish Government, in the

Notes addressed by it to Mr. Pinckney, at Aranjuez, and afterwards to the American Commission, composed of that Gentleman and Mr. Monroe; and also in those which in the last instance were addressed by it to Mr. Erving, at Madrid; I shall resume the subject briefly and precisely, merely touching on the principal points of the dispute, and showing with simplicity and clearness, to what the state of the question is reduced, and in what manner it should be fairly and justly arranged.

I divide into 2 Classes the points on which your Government demands satisfaction and indemnification of His Catholic Majesty. The 1st comprehends the injuries, losses and damages, suffered by American Citizens from Spanish Authorities and Subjects, and those suffered by the Subjects of the Crown of Spain from American Authorities and Citizens. The 2nd comprehends the losses, damages and injuries sustained by American Citizens, from Captures made by French Cruizers on the Coasts of Spain, and condemned by French Consuls residing in the Spanish Ports. To this the whole question of Indemnification is reduced.

The points embraced by the 1st Class, are as follows:

1st. The damages and injuries unlawfully caused by Spanish Authorities and Subjects on American Citizens; and by American Authorities and Citizens on the Subjects of the Crown of Spain; in violation of the Law of Nations and of the existing Treaty, during the War between Spain and Great Britain, which terminated at the Peace of 1801. 2ndly. Damages and injuries sustained by American Citizens, in consequence of the interruption of the place of Deposit at New Orleans, by an Order of the Intendant of the Royal Treasury of Spain, in the Province of Louisiana. 3rdly. Injuries, damages and losses caused to Citizens of The United States, by Spanish Authorities and Subjects, and by American Authorities and Citizens to Spanish Subjects, directly or indirectly, from the year 1801 until the period when the correspondent Convention between the 2 Governments on all the points embraced by the question of spoliations, shall be concluded and signed.

Those which are comprehended in the first point are acknowledged to be evidently founded on justice; and to carry them into effect, there exists ever since 1802 a Convention stipulated and signed between Spain and The United States. You are aware, Sir, that the suspension of this Convention did not originate with His Catholic Majesty's Government. His Majesty is ready to give full effect to it; and on the basis of that Convention we can establish and agree on what may be most just, suitable, and expeditious, to make a reciprocal satisfaction for the aforesaid injuries and losses; comprehending in the Convention, to be stipulated and signed for that purpose, all the injuries and losses, respectively suffered, since 1801 to the present time; because these 2

points only are distinct in point of time, but, as you are perfectly aware, they are, in all other respects, of a like nature, and therefore of equal right and justice.

The 1st and 3rd points are consequently to be acknowledged as substantially forming only one, subject to the examination and decision of the joint Commission which is to determine the necessary compensation, in virtue of the Convention to be stipulated on the basis of that of 1802.

The 2nd point, namely, that of the suspension of the Deposite at New Orleans, might be omitted. You are aware, Sir, that it lasted but a very short time, and in the depth of winter, when the exportation of the produce of the Western States was very inconsiderable, and very hazardous and difficult; that, moreover, the Order of the Intendant, produced no other inconvenience to the American Citizens than the trifling one of loading in the stream, instead of laying their boats along the quay at New Orleans; and that the said Order of the Intendant was an arbitrary act, duly disapproved of by His Catholic Majesty, and for which he directed his Minister to give suitable satisfaction to The United States, in his Royal Name. The United States having received it, this affair ought from that time to be considered as terminated.

On the other hand, you cannot but admit, that His Catholic Majesty was not bound to continue the Deposite at New Orleans, after the termination of the precise period stipulated by the Treaty of 1795, by which His Catholic Majesty only agreed to designate another spot for the said Deposite upon the banks of the Mississippi. As this new spot was to be to the satisfaction of The United States, it was for them to point out and ask for it. The suspension, ordered by the Intendant, although highly disapproved by the Spanish Government, was in consequence of the scandalous contraband and abuses by which, under cover of the Deposite, enormous frauds were committed on the Royal Revenue. By the Treaty no provision was made for this case, nor was there any stipulation relative to the time which was to intervene during the removal of the Deposite from New Orleans to another spot on the bank of the Mississippi, or to the intermediate period between the suspension of the said Deposite, and the assigning another situation for it.

The Government of Spain was, therefore, not bound to become answerable for the losses and injuries eventually sustained by the short interruption of the Deposite, since such obligations could only grow out of the stipulations of that Treaty, which does not contain a single word that has the most distant allusion to such an obligation or engagement on the part of His Catholic Majesty.

Notwithstanding these reasons, and various others which I could adduce, to prove that the Government of Spain cannot be bound to

make satisfaction for the aforesaid losses and damages, His Catholic Majesty is disposed to yield to the reclamation of The United States on this point, provided they still insist on it, and to submit it, with the others spoken of, to the investigation and decision of the joint Commission. There will, therefore, be no difficulty, in also including this point, as far as it relates to injuries really caused by the Order of the Intendant of New Orleans, in the Convention to be framed and signed, if required by you ; it being His Catholic Majesty's desire to give continued proofs to The United States of his frankness, good faith, and condescension.

I now proceed to the claim for losses and injuries committed on Citizens of The United States by French Cruizers and Tribunals, in the capture of American Vessels, on the Coasts of Spain, and their condemnation in Spanish Ports, forming the object of the second part of this question, or that embracing the points of the 2nd class, in the order of the enumeration I have adopted.

This part of the question was discussed in a very luminous manner, in the Notes addressed by His Catholic Majesty's Government to the American Ministers on the 10th February and 5th March, 1805 ; and you are aware, that no reply was made on the part of The United States, weakening in the least the force of the principles and the truth of the facts, on which the opposition of His Catholic Majesty to a responsibility for those damages and injuries was grounded. You will agree with me, Sir, that there is no possibility of deciding, by a general rule, the extent of the responsibility of a Nation, on whose Coasts and Ports aggressions have been committed by another against a 3rd Party, as it depends in a great degree on the circumstances of the case, and the particular stipulations binding on Nations.

By the Treaty between Spain and The United States, the obligation of Spain is reduced to exercise its good offices with the offending Party, and to aid the claims of the Party aggrieved. " Each Party shall endeavor, (says the Treaty,) by all means in their power, to protect and defend all Vessels and other effects belonging to the Citizens or Subjects of the other, which shall be within the extent of their jurisdiction, by Sea or by Land, and shall use all their efforts to recover and cause to be restored to the right Owners, their Vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose Subjects have taken possession of the said effects."

On the part of Spain this has been done ; and if her efforts have not produced the desired effect, the fault does not rest with her. Besides, the injuries done by French Privateers on the Coasts and in the Ports of Spain, to American Citizens, have a particular character, which relieves the Government of Spain from all obligation to indemnify them for those losses, even although such obligation had existed.

The United States were not at War with France, consequently their recourse, as the aggrieved Party, was always open to the Government and Tribunals of the aggressor. Spain was then in Alliance with France, and both were at War with Great Britain. She, therefore could not prevent the Privateers of her Ally from entering her Ports, as they were not fitted out against the Americans, but against the English. If these Privateers, after going on their cruize, committed aggressions on American Vessels, on pretence of considering them or their Cargoes as English, the Spanish Government could neither foresee nor prevent it. The injuries were already done before it was apprised of them. Neither was it in the Spanish Ports where the injury was completed, but in France, by the Tribunals of Cassation to which the Americans appealed from the Decision of the French Consuls residing in the Ports of Spain. It was unquestionably in France that the offence and injury originated, and in France that they were consummated. How then can indemnification be claimed of Spain for such injuries, and not of France, who was the cause of them, and the Power enabled to compel the aggressors to make due satisfaction, as they were her Subjects, and had given the requisite Bonds in her Courts for their good conduct in their cruizes? You cannot but be sensible, Sir, that according to every principle of reason and justice it would evidently and unquestionably be monstrous to claim these indemnifications of Spain; as the Power existed then, and still does exist, which caused the injuries here treated of.

I would go still further to show, that by no established principle of the Law of Nations, can Spain be considered responsible for such indemnifications; not even indirectly, in case France should refuse to make them. I would cite, among others, the Case in which Sir William Scott, Judge of the High Court of Admiralty of Great Britain, decided, that Prizes made by a Belligerent, and carried into the Ports of a Power, its Ally, and there condemned, are justly and lawfully condemned, according to the Law of Nations, and that the Owners of the property, prior to its condemnation, have no longer a claim to it after condemnation has taken place. From this and other Decisions, it follows, that the Government, to whose Subjects the property condemned belonged, has no ground to bring forward complaints or Claims against the Government of the Country where the Prizes were made; because the Condemnation is conformable to the Law of Nations, the Sentence pronouncing it is valid, and the Authority condemning the property is legal, and has proceeded according to rule. This doctrine is well known and acknowledged in The United States, as also the principle, that when a Nation has employed its good offices, and taken such means as are in its power to procure satisfaction for the offence, and obtain compensation for the injuries committed on its Coasts, and in its Ports, on a Friendly or Neutral Nation, it is bound to nothing more, although its good offices and endeavors may not have produced

the desired effect. This principle was applied by Mr. Jefferson, in his Letter of the 5th of September, 1793, to Mr. George Hammond.* It is also admitted by the best Civilians, and agrees perfectly with the obligations of Spain towards The United States, resulting from the existing Treaty between the 2 Nations. I mean, however, in case Spain had not been the Ally of France at that period, because, even in that case, the principle I have just indicated would govern; but being then the Ally of France in the War against Great Britain, she might certainly employ, among the exceptions exempting her from all responsibility in the case here treated of, the principle which served as the ground of Sir William Scott's Decision in the British Admiralty Court; but I do not consider it necessary farther to illustrate these legal objections of the Government of Spain against the Claim of your Government for the aforesaid injuries, inasmuch as this capital exception attends it, namely, that satisfaction for those injuries was already made to The United States by France, and consequently this affair is, and ought to be considered as settled and terminated. This essential exception makes it superfluous to produce others since the obligation spoken of, which was and could only be but one, is thereby evinced to have been extinguished. The French Government has positively declared, that "in the Special Convention concluded between France and The United States, this point was settled; and that the said Convention, by which this claim and demand of The United States, for due compensation for the losses and damages now spoken of, were attended to and redeemed, was ratified in 1802, together with the Treaty of Cession or sale of Louisiana:"—that is to say, that the amount of the said injuries and losses was then estimated and compensated in the price stipulated for Louisiana; so that full compensation was then made to The United States, for all that was estimated and agreed on between the French and American Governments, as forming the value of the said losses and injuries. The French Ambassador at Madrid, gave a verbal assurance to this effect to His Catholic Majesty's Minister of State, and the Minister of Foreign Affairs of France, gave a similar assurance to the Spanish Ambassador at Paris. His Catholic Majesty also demanded a formal and categorical Answer of the French Government on this point, which formal declaration I here copy. It is thus expressed, in the Note transmitted by the Minister of France to the Ambassador of His Catholic Majesty :

M. de Talleyrand to Admiral Gravina. (Translation.)

Bourbon L'Archambault, 8th Thermidor, 12th year,
 MONSIEUR L'AMBAassadeUR, (27th July, 1804.)

I have duly laid before His Imperial Majesty the Note which you did me the honor to address to me, dated the 24th July, relative to the discussion which has taken place between the Court of Spain and the

* See Vol. 1832, 1833. Page 848.

Government of The United States. I shall not fail immediately to submit to him the more ample explanations which your Excellency announces your intention of making to me, both verbally and in writing, on this dispute, which seems to threaten the good understanding existing between The United States and your Court. Although I might yet defer giving my opinion to your Excellency, in consequence of your intention to furnish me with the explanatory Statements which you announce, I do not hesitate to inform you by anticipation, that His Imperial Majesty cannot but be extremely sensible to the uncertain and uneasy position in which 2 Powers, in amity with France, are placed by this misunderstanding, and that he will certainly do whatever may depend on him to prevent its coming to an unfortunate issue.

It is several months since I was informed by the *Chargé d'Affaires* near the Federal Government, of the pretensions of that Government, relative to a portion of Country bordering on Florida, which has become a great object of ambition to the Americans, in relation to the establishment of their Revenue system; and it seemed to me, from this information, that it was important that the Federal Government should use all the means in its power, to obtain the annexation of this frontier portion of Florida to Louisiana; but the opinion due to the justice and moderation which distinguish the personal character of the President of The United States, has not, nor does it yet, permit me to think that menaces, provocation and groundless hostility, may be considered by him as the most suitable means to enable The United States to acquire a portion of Territory belonging to a Foreign Power, because it suits their convenience.

Respecting the second point in dispute, which your Excellency does me the honor to speak of in your Note, I must say that I had previously no knowledge of it. And, indeed, if I had been informed that His Catholic Majesty's Ministers had carried their condescension for the Government of The United States, so far as to engage themselves towards it for indemnifying violations pretended to have been committed by France, I should certainly have received orders from my Government, to express the dissatisfaction which France must feel on the occasion of so unseemly a deference; and this dissatisfaction would have been expressed still more warmly to the Government of The United States than to that of Spain. There is every reason to suppose that the Court of Spain, by thus yielding to an improper demand, has emboldened the American Government, and determined it to become pressing, and even menacing on this occasion. As for the rest, the explanations formerly given to your Court on this point, as well as those which have been authorized to be given to the Government of The United States, by the *Chargé d'Affaires* of His Imperial Majesty, must enable you to judge of the opinion formed by His Majesty on this question, which, having already been the subject of a long Negotiation

and of a formal Convention between France and The United States, cannot again become a subject of discussion.

Such, Monsieur l'Ambassadeur, are the remarks that I have thought proper to make in the first instance, in answer to the preliminary Note of your Excellency. In addition, I must observe, that in my opinion, the demonstrations which appear to me to have given your Government the uneasiness it has charged you to express, are somewhat exaggerated, either from the impression they have produced at Madrid, or from the construction, possibly too extensive, which the Minister of The United States to His Catholic Majesty may have, perhaps, given to his Instructions. There is no room to suppose that a Government, anxious as that of The United States is, to establish a general opinion of its wisdom and moderation, would resolve on engaging in an unjust War through motives of ambition; but as The United States attach great importance to the acquisition of a part of Florida suited to their convenience, it is not to be doubted that they will make every effort to obtain it. The ground of this dispute, therefore, rests entirely on this point. Perhaps the Federal Government may have thought that it would tend to promote a Negotiation for exchange, by exciting a diplomatic quarrel. The wisdom of His Catholic Majesty will certainly suggest to him what is proper to be done on this occasion, with a view to terminate a dispute, which, I have no doubt, will incessantly be revived, so long as no change shall take place in the actual relative position of Louisiana and the Floridas; but, on this point, it is for the wisdom of His Catholic Majesty to decide. The United States are not founded in making any claim on His Majesty. A positive declaration was made to them, that Louisiana was delivered to them, such, and with the same extent it had when acquired by France, and this declaration will again be made to them as often and as positively as His Catholic Majesty shall desire it.

I request your Excellency to receive, &c.

CHA. MAU. TALLEYRAND.

H. E. Admiral Gravina, Ambassador of His Catholic Majesty,

You will see, Sir, that this declaration of the French Government is conclusive, and that the responsibility for losses and injuries caused by French Cruizers and Tribunals on the Coasts and in the Ports of Spain, is removed, from the period of the Convention referred to; and that to renew a claim for what has been already paid and satisfied, would be exacting double reparation for one and the same injury, and double payment for one and the same debt. Notwithstanding, if The United States have still a claim for the complete fulfilment of this satisfaction and payment, His Catholic Majesty is ready to unite his good offices and earnest appeals in support of this claim of your Government

on that of France, in order that she may perform, and cause to be performed, whatever may be justly required in behalf of American Citizens who have sustained losses and injuries by her Cruizers and Tribunals. To this the obligation of Spain, in the present case, is limited; and His Catholic Majesty's Government offers immediately to sustain all the just pretensions which the Government of The United States may be desirous to form against the Government of France on this point, or to demand of it all such explanations as may be judged necessary to clear up all doubts, if any are yet entertained by The United States, on this matter.

The point in question being then separated from those connected with the question of the Claims for injuries, losses, and damages, because that is already settled between France and The United States, or is to be settled with France directly, if any thing still remains to be performed; we can agree upon a just and suitable mode of determining a reciprocal satisfaction for the injuries, losses, and damages, before spoken of, and included in the 3 points of the 1st Class, as enumerated in this Note, in order that we may proceed more clearly and methodically. These 3 points, as I have before said, will be submitted to the judgment and decision of the Joint Commission, in virtue of the Convention to be framed on the basis of that of 1802, simplifying and rectifying it in such manner as will insure its most expeditious and faithful execution.

In this Note and the 2 others which I have already had the honor to address to you, are contained all the points in dispute between the Government of His Catholic Majesty and that of The United States; and to avoid confounding them with each other, I have treated them in their regular order, with precision, simplicity, and clearness. You can examine each of them, Sir, with the impartiality and rectitude which distinguish your character; and I flatter myself that all the motives and grounds of the controversy will be completely removed by your discernment and wisdom, as you will not fail to acknowledge the irresistible force of what has been, and is now demonstrated on the part of the Government of Spain.

When the different points treated of in each of these Notes, with the necessary discrimination, are considered, and a decision formed on each of them, it is requisite that we should definitively settle and terminate the controversy, without leaving any room for dispute in future.

This general and definitive arrangement of all the points in dispute, must, by its nature and circumstances, precede the Negotiation for the exchange or cession of the Floridas, since, until it be determined and settled what are the Territories on the Frontier which belong to Spain, and what are those which belong to The United States, it is impossible to estimate the equivalent to be given to Spain for the 2 Floridas. Nevertheless, as it is the earnest desire of His Catholic Majesty to

meet the wishes of The United States, in every thing that may be compatible with the rights and honor of His Royal Crown, you may, Sir, devise and propose a mode by which we may at one and the same time adjust all the points of the controversy, and stipulate the exchange or cession of the Floridas, in case your Government should not agree to our previously settling the points connected with the question of Boundaries, and establishing a Convention, in conformity to the basis of that of 1802, for the mutual compensation of losses and injuries, according to the order I have adopted in my Note.

I expect, therefore, your Answer, Sir, whether it be confined distinctly to the subject of each one of my Notes, according to their respective order, or to the proposing a mode embracing all the points comprehended in them, by which we may have them collectively settled in the Negotiation which is to be entered upon for the exchange or cession of the Floridas. In this proceeding you will perceive, Sir, a certain proof of the frankness and good faith of the Spanish Government, and of the sincere and friendly sentiments entertained by the King, my Master, for The United States.

I conclude, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 33.—*Don Luis de Onis to the Secretary of State.*—(Translation.)
 SM, *Washington, 8th January, 1818.*

IN the National Intelligencer of the 6th of this month, I have seen published the Official Notice of the occupation of Amelia Island by the Troops of The United States. I had already anticipated this unpleasant event, in the Note which I had the honor to address you on the 6th of last month, in which I remonstrated in the Name of His Catholic Majesty, against the Measures announced in that part of the President's Message to both Houses of Congress, which manifested an intention to invade, and forcibly seize on Places and Territories, belonging to the Crown of Spain. Having received no Answer to that Note, I now feel myself obliged to repeat its contents to you, and to protest, as I now do strongly protest, in the name of the King, my Master, against the occupation of Amelia Island, effected by the Naval and Military Forces of this Republic, destined to operate against that Island, forming a part of East Florida, one of the Possessions of the Spanish Monarchy, on this Continent.

Whatever may have been the motives on which the Government of The United States have founded their adoption of this measure, it cannot but be considered by all Nations, as a violent invasion of the Dominions of Spain, at the time of a profound peace, when His Catholic Majesty omits nothing to give the most generous proofs of his perfect friendship, and high consideration for The United States.

I therefore trust that, upon your communicating this solemn Reclamation and Protest to the President, he will be pleased to direct that suitable Orders be given to the American Commanders at Amelia Island, and on that Station, forthwith to restore the said Island, together with all its Dependencies to His Catholic Majesty, and to deliver up the same to the Spanish Commandant, and Officers presenting themselves for that purpose, in the name of their Sovereign.

It is also my duty to represent to you, Sir, that at the time of the invasion and occupation of that Island by the American Troops, there was, and I believe still is, a considerable property belonging to Spanish Subjects, which, in all cases, it is required by strict justice, should be delivered to the Owners, which I doubt not has already been, or will be done, in a due and proper manner, care being taken in the mean time, that it be not removed, or suffer injury.

I await your Reply to this Reclamation and Protest, that I may be enabled to give seasonable intelligence and instructions to the Governor of St. Augustine, and to the Captain General of the Island of Cuba, provided the President, as I flatter myself, will resolve on the prompt restitution and delivery of Amelia Island and its Dependencies, to His Catholic Majesty's Government.

I cannot by any means doubt that this will be effected, confiding as I do, in the high rectitude of the President, and in the inviolable principles of public faith, on which the security of Nations repose.

I have the honor, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 34.— The Secretary of State to Don Luis de Onis.

SIR, *Department of State, Washington, 16th January, 1818.*

YOUR Letters of 29th December, and of 5th and 8th of the present month have been received, and laid before the President of The United States.

He has seen, not without surprize and regret, that they consist almost entirely of renewed discussions upon the several points of difference which have so long subsisted between The United States and Spain; discussions which had been exhausted in the Correspondence between the Minister Plenipotentiary of The United States, at Madrid, and your Government, in the years 1802, and 1803, and more especially in that between Don Pedro Cevallos, and the Special Extraordinary Mission of The United States to your Court, in 1806; a Mission, instituted by the American Government, under the influence of the most earnest desire to terminate amicably, and to the satisfaction of both the Parties, all those differences; but which, after 6 months of Negotiation at Aranjuez, issued in the refusal of Spain to give satisfaction to The United States, upon any one of the causes of complaint [1817—18.]

which were to be adjusted, or even to settle the question of Boundaries, existing between The United States and the Spanish Provinces bordering upon them. The President considers that it would be an unprofitable waste of time, to enter again at large upon topics of controversy, which were at that time so thoroughly debated, and upon which he perceives nothing in your Notes, which was not then substantially urged by Don Pedro Cevallos, and to which every reply essential to elucidate the rights, and establish the pretensions on the part of The United States, was then given. For proof of which, I beg leave merely to refer you to the Letters of Mr. Monroe and Mr. Pinckney, to M. Cevallos, of 28th January, 26th February, 8th and 16th March, 9th and 20th April, and 12th May, 1805. I am instructed by the President to propose to you an adjustment of all the differences between the 2 Countries, by an Arrangement on the following terms:

1. Spain to cede all her claims to Territory, Eastward of the Mississippi.

2. The Colorado, from its mouth to its source, and from thence to the Northern Limits of Louisiana, to be the Western Boundary; or, to leave that Boundary unsettled for future arrangement.

3. The claims of Indemnities for spoliation, whether Spanish or French, within Spanish Jurisdiction, and for the suppression of the Deposit at New Orleans, to be arbitrated and settled by Commissioners in the manner agreed upon in the unratified Convention of 1802.

4. The Lands in East Florida, and to the Perdido, to be made answerable for the amount of the Indemnities which may be awarded by the Commissioners, under this arbitration; with an option to The United States, to take the Lands and pay the Debts, or to sell the Lands for the payment of the Debts, distributing the amount received, equally, according to the amount of their respective liquidated claims among the Claimants. No Grants of Land, subsequent to the 11th of August, 1802, to be valid.

5. Spain to be exonerated from the payment of the Debts, or any part of them.

These Proposals do not materially differ from those made to Don Pedro Cevallos, on the 12th of May 1805. The President has seen nothing in any events which have since occurred, nor in the contents of your Notes, which can afford a reason or a motive for departing from them. Of the motives for coming to an immediate arrangement, the urgency cannot escape your attention. The events which have recently occurred in a part of the Territory, which you have informed me the King of Spain is willing to cede to The United States, and those which are notoriously impending over the remaining

part of that Territory yet in the possession of Spain, make it indispensably necessary that the ultimate determination of your Government in this Negotiation should be acted on without delay. The explanations requested by your Notes of the 6th December, and 8th January, of the motives of this Government in the occupation of Amelia Island, have been given in the Message of the President to Congress of the 13th instant, and cannot fail of being satisfactory to your Government. You see it there distinctly and explicitly declared, that the measures which this Government found itself under the necessity of adopting in relation to that Island, were taken, not with a view to conquest from Spain. You well know that if Spain could have kept or recovered the possession of it from the trifling Force by which it was occupied, the American Government would have been spared the necessity of the measure which was taken, and which was dictated by the duty of protecting the interests, as well of this Country as of those with whom we are in friendly commercial relations, including Spain herself. But Spain cannot expect that The United States should employ their Forces for the defence of her Territories, or to rescue them for her exclusive advantage, from the Adventurers who are projecting, and in the act of executing, Expeditions against them, from Territories without the jurisdiction of The United States. Neither can The United States permit that the adjoining Territories of Spain should be misused by others, for purposes of annoyance to them.

Under these circumstances, the President is persuaded that you will perceive the necessity, either of accepting the Proposals herein contained, as the basis of an adjustment of the long standing differences between The United States and Spain, or of offering such as can by any possibility, be acceptable to this Government, without reverting to a course of proceeding, the only result of which must be further procrastination.

I pray you, Sir, to accept, &c.

H. E. Don Luis de Onis.

JOHN Q. ADAMS.

No. 35.—Don Luis de Onis to the Secretary of State. (Translation.)
 Sir, *Washington, 24th January, 1818.*

I HAVE received your Letter of the 16th of this month, by which I see with great regret, that in acknowledging the receipt of those I had the honor to address to you on the 29th of last month, and the 5th and 8th of the present, you omit to answer them, and decline taking into consideration the indisputable facts and grounds, and the irresistible arguments advanced in them, in relation to each of the points embraced by the dispute set on foot by the Government of The United States. You say it is useless again to discuss the facts,

reasons and arguments produced by the Spanish Government in the years 1802 and 1803; and that, in 1805, the American Plenipotentiary and the Special Extraordinary Mission, conjointly with him, then replied to the different points of the Notes of the Spanish Ministry, in a manner capable of elucidating the respective rights of each of the 2 Powers, and of establishing the pretensions of the Government of The United States; for proof of which you refer me to the Letters of Messrs. Monroe and Pinckney, to His Catholic Majesty's Minister Don Pedro Cevallos, of the 28th of January, 26th February, 8th and 16th March, 9th and 20th April, and 12th May, 1805.

I think it proper to observe, in the first place, that although the facts, grounds, and arguments, then produced by the Spanish Government, do not differ essentially from those stated in my Notes, their irresistible and conclusive force is neither altered nor in any manner impaired. Truth is of all times; and reason and justice are founded on immutable principles. It is on these principles that the rights of the Crown of Spain are founded to the Territories Eastward and Westward of Louisiana, claimed by your Government as making part of that Province; rights of immemorial property and possession, never disputed, but always notorious and acknowledged by other Nations.

In the second place, I must remark to you, that throughout the whole Correspondence on this subject, between the Ministry of The United States and that of His Catholic Majesty, there is not a single fact or a single argument, that can affect the certainty, or decisive force of the facts, grounds, and reasons, which support and determine the aforesaid rights of the Crown of Spain. There does not appear to be a single incident to give the smallest support to the pretensions of your Government. All the vague positions on which it has been attempted to found them, have been refuted and dissipated by the Spanish Government, by a demonstration so luminous and convincing, as to leave no alternative to reason to resist it.

To lay all this aside, and merely to say, "that it is a matter already thoroughly debated, on which nothing further essential can be urged, and that the American Government insists on maintaining a contrary opinion," is to adopt an arbitrary course, because, this opinion not being supported by any solid foundation, and being, as it is, diametrically opposed to the unquestionable result of facts, and to the most incontestable principles and arguments, does not, nor can it give to The United States, any right to the pretensions they have formed. Neither can it be required, that the Government of Spain should subscribe to this opinion, and renounce its rights to the Territory which The United States wish to possess in the Spanish Provinces bordering on those States, since that opinion, as I have already said, is altogether groundless and arbitrary, and

since, on those rights, there neither does, nor can there, exist any doubt.

It is the sincere wish of His Catholic Majesty, that a just mode of amicably settling all pending differences may be adopted, and he has authorized me to negotiate for this purpose; but neither the powers he has conferred on me, nor my own sense of duty, permit me to enter into an Arrangement which is not based upon the principles of common justice, combined in good faith with the suitable considerations of reciprocal utility or convenience. Being anxiously desirous of carrying the wishes and frank dispositions of my Sovereign into execution, I suggested to you, in our last verbal Conference, the expediency of your making to me such proposals as you might think fit, to reconcile the rights and interests of both Powers, by a definitive arrangement of the differences pending between them.

Since you communicated the present state of things to the President, you have proposed to me in your Note a plan of arrangement or adjustment, embracing the question of Boundaries, and that of Indemnities, which is as follows:

To settle the former, you propose "that Spain shall cede all her claims to Territory Eastward of the Mississippi, (that is to say, the 2 Floridas;) and that the Colorado, from its mouth to its source, and from thence to the Northern Limits of Louisiana, shall be the Western Boundary of that Province."

I have expressed in one proposal what you have stated in 2, as both are reduced to the cession of Territory by Spain. It is not only proposed that Spain shall cede both Floridas to The United States, but that she shall likewise cede to them, the vast extent of Spanish Territory comprehended within the line following the whole course of the Colorado. I presume that it is the River Colorado of Natchitoches you speak of, and not another bearing the same name, and which is still farther within the Limits of the Spanish Provinces. I leave it to you, Sir, to examine the import of these 2 Proposals, and to see whether they are compatible with the principles of justice, or with those of reciprocal utility or convenience. It is demanded of Spain to cede Provinces and Territories of the highest importance, not only to the Eastward, but to the Westward of Louisiana, and that without proposing any equivalent or compensation.

To settle the question of Indemnities, you make the following Proposals:

1. That an Indemnity for spoliation on American Citizens, committed by Spaniards or by French within the jurisdiction of Spain, as well as for injuries sustained by American Citizens by the interruption of the Deposite at New Orleans, shall be settled by a joint Commission, as agreed upon in the Convention of 1802.

2. That the Lands in East Florida, and in West Florida to the Per-

dido, be made answerable to The United States for the amount of the Indemnities which may appear to be due by Spain to American Citizens, on the settlement to be made by Commissioners appointed according to the Convention of 1802; it being at the option of The United States to take the Lands and pay the amount of the Indemnities according to the award on the Claims, or to sell the Lands and effect the payment with the proceeds of the sales. To this Proposal you add, that all Grants of Land subsequent to the 11th of August, 1802, are to be null and void.

3. That Spain shall be exonerated from the payment of the Debts, or any part of them.

Before I reply to these 3 Proposals, I must repeat the uniform declaration of the Spanish Government to The United States, that His Catholic Majesty is, and always has been, ready to settle the question of Indemnities, with a view to the full satisfaction of the just Claims of the Parties interested; and that His Majesty has always manifested the same sincere desire to settle definitively the question of Boundaries, to the satisfaction of both Powers; and that if neither of these objects has been accomplished, it has not depended upon the Government of Spain. The contrary is evident, beyond the possibility of denial, from the Official Correspondence between His Catholic Majesty's Minister of State, and the Plenipotentiaries of the American Government, who suspended and broke off the Negotiation at Aranjuez, after having obstinately refused to accept the modifications founded on strict justice, which were proposed by the Spanish Government.

I now proceed to state the most obvious and essential difficulties which render your 3 Proposals for the settlement of Indemnities inadmissible. I observe that in speaking of them, you only mention the Indemnity for spoliations suffered by American Citizens, and omit that which is equally due to Spaniards for spoliations committed on them by the Citizens and Authorities of the Republic, in violation of the Law of Nations and the existing Treaty. I also observe that you not only omit this indispensable basis of reciprocity and common justice, but propose the immediate cession of both the Floridas, which 2 Spanish Provinces are to be retained by The United States, as an indemnity or payment of what may appear to be due by Spain to American Citizens, according to the arbitration of the joint Commission.

You cannot fail to admit, Sir, that this Proposal, independent of its injustice, is offensive to the dignity and honor of His Catholic Majesty. It is unjust, because it demands an indemnity or anticipated payment of claims yet to be proved and liquidated, while, at the same time, it provides for no correspondent indemnity or payment of what may be due by The United States to Spanish Subjects. It is offensive

to the dignity and honor of Spain, because, by the very fact of demanding this anticipation, a want of confidence in the integrity and punctuality of His Catholic Majesty's Government, is manifested, whereas a single instance does not exist of Spain having failed in fulfilling her engagements, the most scrupulous exactness, good faith, and strict observance of the point of honor, having at all times invariably formed the distinguishing traits of her character. It, therefore, becomes unnecessary to point out to you the enormous disproportion between the value of the 2 Floridas, and that of the probable amount of the Claims of American Citizens on the Government of Spain, after they are ascertained and liquidated. This disproportion will be still more enormous, when you consider that, in the first of the 3 Proposals, to which I am now replying, is included the indemnity for spoliations on Citizens of this Republic, by French Cruizers and Consuls on the Coasts and in the Ports of Spain, and by the Tribunals of Cassation in France, confirming the Condemnation of American Prizes.

It has been proved to mathematical demonstration, that Spain neither is nor can be responsible in any way for this indemnity. It is France which must be responsible, if she has not already satisfied the claim, which her Government asserts she has done.

Nor can I omit to declare to you, Sir, that the pretension of annulling the Grants of Lands in Florida, since August 1802, would be in opposition to all the principles of justice. These Grants have been made in a lawful manner, and by a lawful Authority. Spain was the owner and peaceful possessor of those Lands. She had then an indisputable right to make the Grants you allude to, as she now has to the property of the Territory afterwards forcibly taken possession of by The United States, since a violent dispossession never deprives an Individual or a Nation of their lawful rights.

I proceed to your last Proposal, which is, that on the admission of those preceding, Spain shall be exonerated from all obligation to pay the Debts or Claims, which may be due to American Citizens, on their settlement and liquidation by the Joint Commission. I conceive his to be the import of the expressions, stating that "Spain shall be exonerated from the payment of the Debts, or any part of them." This Proposition is a corollary of the two preceding it, since, if Spain should cede the 2 Floridas to The United States, as an indemnity or compensation for the losses and injuries done to the Citizens of the Republic, she would necessarily be exonerated from this responsibility, the Cession being, in such case, equivalent to a final discharge of the Claims referred to. I go farther. Supposing your 2 last Proposals for the definitive adjustment of the question of Indemnities to be admitted and carried into effect; the one preceding, namely, that which refers this business to the award of Commissioners, to be appointed by both Governments, agreeably

to the Convention of 1802, would be useless and contradictory. As none of the Proposals offered by you, provide any indemnity for the losses and injuries caused to Spaniards, nor even makes any mention of them; and as by the 2 last Proposals, if admitted, the losses and injuries sustained by American Citizens, would be indemnified and compensated according to the wishes of your Government, and Spain would, consequently, be exonerated from all responsibility on this head, it is clear, that the business would then be settled and cancelled, and there would be no necessity for recurring to arbitration.

Finally, I cannot refrain from expressing my great concern, at not being able in any degree to reconcile the Proposals you have made me by order of the President, with the inviolable principles of common justice; and on perceiving, that on the part of The United States, no basis is presented of a due reciprocity for the adjustment of the differences pending, the said Proposals being altogether inadmissible.

I repeat to you, Sir, that the King, my Master, being desirous to meet the wishes of The United States in respect to the cession of the Floridas, although it is well known how highly important those 2 Provinces are, to cover and secure the Possessions of Spain in that part of America, His Majesty is ready to cede them, provided he is compensated by an equivalent in Territory belonging to The United States, and bordering on the Spanish Possessions; and it is under this idea, that the Powers and Instructions I have from my Government are prepared. But you cannot fail to admit, that the plan of adjustment proposed, involves exorbitant and enormous sacrifices to the prejudice of Spain, since, without offering any equivalent or compensation on the part of The United States, it requires not only the cession of both the Floridas, but also that of immense Territories belonging to the Spanish Monarchy Westward of Louisiana; and that in relation to the question of reciprocal Indemnities, it only comprehends those respecting American Citizens, omitting those due to the Crown and Subjects of His Catholic Majesty. This plan of adjustment would amount to the following one: "Give me all I wish to ask, and give up all you may justly claim or show is yours." I am, however, perfectly persuaded, that this neither is nor can be your intention, nor that of your Government; and that in making these Proposals for an adjustment, your only object was to afford me an opportunity, to make such as you might consider just and admissible.

I shall, therefore, point out to you such as I conceive to be founded in justice and reciprocal convenience, and as cannot fail to meet the wishes of The United States.

1. The dividing line between Louisiana and the Spanish Possessions to be established in one of the branches of the Mississippi, either that of La Fourche, or of the Achafalaya, following the course

of that river to its source. Spain to cede the 2 Floridas to The United States in full and complete Sovereignty.

In case this Proposal should not appear admissible to your Government, the following may be substituted :—The *uti possidetis*, or state of possession, in 1763, to form the Basis ; and the Western Line of division to be established from the Sea, at a point between the Rivers Carcasa and the Marmento or Marmentao, running thence by Arroyo Hondo, till it crosses the Colorado of Natchitoches, between that post and Adaes, thence Northward to a point to be fixed and laid down by Commissioners respectively appointed for the purpose.

2. His Catholic Majesty to ratify the Convention of 1802, and both Governments to abide by the decision of the Joint Commission on the question of Indemnities ; classing as such those which regard American Citizens and the Crown and Subjects of His Catholic Majesty, for spoliations reciprocally committed, up to the period of the said Convention, and thereafter to the date of the confirmation of the adjustment by the Joint Commission. 5 or 7 Members to compose the Commission ; with this condition, that if they are 5, each Government shall respectively nominate a Person for the 5th Member, to be chosen by Lot, provided they cannot agree on the Person to be so chosen ; the same to take place for the 5th, 6th, and 7th, if there be 7 Members ; but the 5th, in the 1st instance, and the 5th, 6th, and 7th in the 2nd, shall neither be Spaniards nor Citizens of The United States, by birth or naturalization. They shall, moreover, be, by their profession and office, Judges of the class of those Subjects, who among Maritime and Commercial Nations, are usually employed to judge and decide on matters connected with Maritime Law and the Law of Nations, whether in France, England, Russia, Austria, or The Netherlands. In both cases, the Person so designated, to be provided with a Certificate of the Government of the Country he belongs to, proving the opinion entertained of his integrity and capacity, his quality and actual profession as a Judge in the matters referred to, and also the assurance, that permission shall be granted to him for discharging the duties of the Commission, in case the said Person shall be chosen by lot.

With these modifications, suggested by prudence, impartiality, and the most perfect rectitude, and excluding, as is just, the indemnity for the spoliations committed on the Commerce of this Republic by French Privateers, and Consular Decisions, on the Coasts and in the Ports of Spain, and by the Tribunals of Cassation in France ;—the Convention of 1802 to be ratified and carried into execution.

3. His Catholic Majesty, to unite with The United States in using their best endeavors to obtain from France the correspondent Indemnity for the spoliations just mentioned, in case that question has not already been settled between the French and American Governments.

4. The Government of The United States to engage to take effectual measures to prevent all hostile armaments in their Ports and Territory against the Commerce and Possessions of Spain, either by America or any other Power, or by Adventurers of any other Nations, or by the Residents of Spanish America : and for their due execution, the President to issue positive orders to all Persons employed by the Government, charging them, on their responsibility, to guard against any infraction or violation of them whatsoever ; extending the same measures to the preventing of any Vessels employed in cruizing against the Spanish Commerce, or otherwise hostilely engaged against the Government and Subjects of His Catholic Majesty, from arming in, or entering armed, the Harbors and Waters of The United States. Every Vessel of this description, found within the jurisdiction of The United States, to be seized without exception, and subjected to the rigor of the Law by the American Officers and Authorities, and the Vessels and Property so captured belonging to the Subjects of the Crown of Spain, to be laid under attachment, and definitively delivered up to His Majesty's Minister, or the nearest Spanish Consul, to be held by them at the disposal of the lawful Owners. This Proposal contains nothing beyond the obligations, already imposed by the Laws of The United States, the Law of Nations, and the existing Treaty. But as it is evident to you, and to the whole World, that abuses and infractions of these Laws and solemn Compacts, have been, and continue to be, frequently practised, it is absolutely necessary that suitable measures be adopted, fully and effectually to prevent the repetition of similar abuses and infractions.

By these 4 Proposals, the rights and interests of both Powers are reconciled, upon principles of manifest justice and reciprocal utility ; they settle and terminate all pending differences, in my judgment, satisfactorily to both Nations ; and I must presume, that the President will view them in the same light, and substantially admit them. In case there be any other question of secondary, or minor importance, to be in like manner included in the general and definitive adjustment, it will be easy, and follow of course, after we have agreed on the most essential articles or points ; we will then also determine the true import of the several Propositions laid down, and explain each one of them with the necessary clearness, accuracy and precision.

If, however, you should find any difficulty or obstacle to the acceptance of the Proposals, I have now the honor to make to you, and are of opinion, that by any other mode we may attain the desired object, without deviating from the fundamental principles and basis of justice and reciprocal convenience, I will, with great pleasure, be ready to adopt it, provided it be compatible with the Powers given me by the King, my Master. In this view, you can propose such

changes or modifications, as you may see fit, and as are calculated to remove all difficulties on both sides, and reconcile the rights, interests and wishes of both Powers.

In the mean time, I hope that the course pursued by the President (*en la marcha de su conducta*) will correspond with the sentiments and uniform professions of amity and perfect harmony existing between His Majesty and The United States; and I am therefore constrained to reclaim and protest formally, as I now do, against all measures whatsoever, injurious to the rights of the Crown of Spain, and to renew, as I hereby do, the Protest already made against the occupation of Amelia Island, and against the orders to occupy Galvezton; inasmuch as The United States, having no right whatever, either to the said Island, or to Galvezton, they neither had, nor could have, a just motive or cause to sanction similar acts of violence in the midst of peace.

I await your Answer to this Note, in order that we may accelerate the moment of agreeing on just and fit measures for carrying the definitive settlement of all pending Differences into effect.

In the mean time, I renew, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 36.—Don Luis de Onis to the Secretary of State.—(Translation. Sir,

Washington, 10th February, 1818.

THE multiplicity of business which I believe has, and still does engage your attention, from the necessity of preparing and laying before the Congress, the Papers and information called for on different subjects, must assuredly have prevented you from replying as yet to my Note of the 24th of last month; it is, therefore, unnecessary for me to trouble you, by trespassing on your attention, to urge the importance of your Answer, as I feel assured, you are as fully aware of it as I am. But the earnest wish I have to accelerate the Negotiation that has been opened, and thereby to come to a final settlement of the Differences pending between His Catholic Majesty's Government and yours, impels me to take this step. I therefore request you, Sir, to be pleased to inform me, as soon as you possibly can, whether the proposals offered in my aforesaid Note come up to, or approach the wishes of this Republic; and if, with the view of satisfying them, you can devise any other just mode, calculated to reconcile the rights of both Nations upon some principle of reciprocal utility and convenience, I hope you will communicate it to me; in full confidence, that I shall not hesitate a moment to accede to any modification or expedient, founded on a basis of acknowledged justice, and mutual utility, because it is to such a basis, that all the Instructions and Powers I have received from my Sovereign refer.

The United States having manifested a wish to obtain the Floridas,

His Catholic Majesty has condescended to accede thereto, as a proof of his friendship and high consideration for The United States, and has authorized me to stipulate the Cession of those 2 Provinces for an equivalent of Territory Westward of the Mississippi. Having proved, on the part of His Majesty's Government, by the most complete evidence of which moral facts are susceptible, and by a conviction in no wise inferior to that of mathematical truths, that the proper Boundaries of Louisiana, Eastward of the Mississippi, are defined by the course of that River, and thence by the Iberville and the Lakes Maurepas and Pontchartrain; and that to the Westward, they never did, nor could extend beyond the Rivers Carcasu and Marmento or Marmentao, running between Natchitoches and Adaes, across Red River, and thence Northward to a line not yet fixed, and to be settled by Commissioners to be appointed by both Governments; it is clear, that the Proposals offered in my Note for the final settlement of the question of Boundaries, cannot fail to appear advantageous to your Government, and satisfactory to the just wishes of The United States. But if, for their greater satisfaction, you can point out an expedient by which the said Proposals may be still further modified, without detracting from the acknowledged principles of common justice and reciprocal convenience, I am ready to attend to, and stipulate it immediately, if it comes within the sphere of my Powers and Instructions; and in case it should not, by presenting, perchance, combinations which could not be foreseen by His Catholic Majesty, I will immediately despatch a Courier to Madrid, to inform my Government of the demands of yours, and request more ample Powers adapted to them.

The question of Indemnities can be attended with no difficulty. The Spanish Government has always been willing to give due satisfaction for the losses and injuries sustained by Citizens of this Republic, and committed by Spaniards, contrary to the Law of Nations and the existing Treaty; but it cannot relinquish its claim to comprehend, in like manner, in the adjustment of those losses and injuries, such as have been committed by Citizens and Authorities of the Republic, on the Crown and Subjects of Spain, in violation of the same right and Treaty. Your Government, sensible of the justice of this demand, cannot fail to accede to it; and thus, by ratifying the Convention agreed on in 1802, as I have already proposed to you, the question of Indemnities will be easily settled and determined.

The King, my Master, being desirous of giving The United States and the whole World, incontestable proofs of the rectitude and sincerity of his disposition, and of his love of justice and good faith, is ready to submit all the questions embraced by the pending differences, to the arbitration of one or more of the Powers of Europe, in whom The United States may have the greatest confidence; they and His Majesty respectively engaging to abide irrevocably by the decision of

such arbitration. In cases where justice alone is sought for, this reference must be particularly desirable, and has been frequently resorted to, as well by Individuals, as by the most respectable Nations, on controverted questions.

The British Government, on being informed of the difficulties attending the Negotiation pending between Spain and The United States, made an offer of its mediation for the purpose of reconciling them, but the President has not been pleased to accept it, as I have been lately informed by the Minister of England to these States. From this refusal, I am to infer, that the President is willing, on his part, to remove all the obstacles which oppose the prompt and happy termination of the Negotiation pending, and under this impression, which is due to the uprightness, rectitude, and good faith, of the American Government; I flatter myself, that it will not be necessary to have recourse to the mediation or arbitration of friendly or Neutral Powers, to settle and terminate on principles of justice, the existing differences between The United States and Spain; and if unfortunately this should not be the case, I nevertheless flatter myself that your Government will approve of one of the modes proposed, as being dictated by a sincere love of peace and justice due to such occasions.

I therefore hope, Sir, that you will reply, as soon as possible, to the Proposals made in my last Note, and communicate to me whatever you may think most conducive to the happy termination of the pending Negotiation, and still further to strengthen the bonds of friendship and good understanding between the 2 Nations.

In the mean while, I have the honor, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

No. 37.—The Secretary of State to Don Luis de Onis.

SIR, *Department of State, Washington, 12th March, 1818.*

THE admission in your Letter of the 24th January, that all the facts, grounds, and arguments alleged in your previous Notes of 29th December, and of 5th and 8th January, in support of the pretensions of your Government, upon the several points of difference which have so long subsisted between The United States and Spain, are essentially the same as had already been advanced and discussed at the period of the Extraordinary Mission to Spain, in 1805; while it justifies the reluctance on the part of the American Government, manifested in my Letter of the 16th January, to the renewal of an exhausted discussion, cannot but excite some surprize, as comporting so little with the professions of the earnest desire of your Government to bring those differences to a speedy and happy termination, which have been so strongly and so repeatedly expressed, as well in your Notes as in the recent Communications from Don Francisco Pizarro to the Minister of The United States at Madrid. The observation, that truth is of all times, and

that reason and justice are founded upon immutable principles, has never been contested by The United States; but neither truth, reason, nor justice consist in stubbornness of assertion, nor in the multiplied repetition of error. I referred you to the Letters from the Extraordinary Mission of 1805, to Don Pedro Cevallos, for an ample and satisfactory refutation of the supposed facts, grounds, and arguments now reproduced by you. You reply by telling me, that "there does not appear to be a single incident to give the smallest support to the pretensions of my Government; that all the vague positions on which it has been attempted to found them have been refuted and dissipated, by the Spanish Government, by a demonstration so luminous and convincing, as to leave no alternative to reason to resist it." And you, more than once, intimate, that the American Government does not, itself, believe in the validity of the statements and arguments used by its Ministers, in support of the Claims of The United States, as asserted by them.

To language and sentiments such as these, the Government of The United States cannot reply; nor can it, without an effort, continue at all a discussion sullied by such unworthy and groundless imputations.

I am directed by the President to confine the observations upon your late Notes, to those parts of them which have relation to the essential subjects of controversy between the 2 Nations.

To give a single instance of that course of argument, which you represent as equivalent to mathematical demonstration in favor of Spain, it will be sufficient to refer to your assertions, in relation to the question of the Eastern Boundaries of Louisiana, as retroceded to France by the Treaty of St. Ildephonso, in 1800, and ceded by France to The United States in 1803. The Claim of The United States, under that Cession to the Territory, East of the Mississippi, as far as the River Perdido, rests, as you well know, upon the words in the 2 Treaties, describing the Colony or Province of Louisiana, ceded by them, as having the same extent, not only that it had at the time of the retrocession in the hands of Spain, but also *that it had when France possessed it*, and such as it should be, after the Treaties subsequently entered into between Spain and other States. You know also with what force it was urged by the Ministers of The United States at Aranjuez, in 1805, that those words, referring to the primitive possession of the Province by France, could have had no other meaning than that of extending the retrocession to the Perdido, because the Province had always had that extent when in the possession of France. And what is your reply to this argument, which you are pleased to include under the general censure of vague and groundless positions? It is no other than the supposition of a Treaty of 1764, by virtue of which you say France ceded the Western remnant of Louisiana to Spain, a year after having ceded the Eastern part of it, from the Mississippi to

the Perdido, to England. With the aid of this Treaty, you are enabled, first, to discover an interval of time between the 2 Cessions, and during which France possessed Louisiana, bounded Eastward by the Mississippi; and, secondly, to include this Treaty between *Spain* and *France* among those described in the Article of the Treaty of St. Ildephonso, as "the Treaties subsequently entered into between Spain and *other States*."

There is reason to believe, that no such Treaty of 1764 ever existed: that the Cessions of Louisiana, Westward of the Mississippi, to Spain, and Eastward of that river to the Perdido, to England, were made by France, both on the 3rd of November, 1762, is certain, and that the acceptance by the King of Spain of the Cession made to him, took place on the 13th of the same November, 1762; the proof of which is in the very Order from the King of France to L'Abbadie, for the delivery of the Province to the Officers of the King of Spain. The Province had never belonged to France a single day, without extending to the Perdido. Nor can it be necessary to remind you that the very Treaty of Cession, by which France surrendered her possession of Louisiana to Spain, cannot be comprehended in the description of Treaties *subsequently* entered into between Spain and *other States*.

As this simple reference to a notorious and unquestionable fact annihilates all that course of reasoning upon which your understanding rejects all doubt, so a recurrence to another fact, equally notorious, replies as decisively to your appeal to the Treaty of 6th February, 1778, between The United States and France. You say that in the year 1800, France could not have acquired any Territory East of the Mississippi, without a *monstrous violation* of that Treaty, forgetting that that Treaty, and all its obligations upon France, had, before the year 1800, ceased to exist.

The fact, that the Cessions of the 2 parts of Louisiana, to Spain and England, were made on the same day, may serve no less as a reply to all the verbal criticisms, so gravely urged by Mr. Cevallos, and now repeated by you, on the force of the terms *retrocede* and *retrocession*, used in the Treaty of St. Ildephonso. The plain import of the words is neither more nor less than giving back, restoring. It does not, and cannot be made to imply, that both the Parties to the restoration must, of necessity, be the same as both the Parties to the grant. They only imply that the object and the Party granting, or the Party receiving it, as restored, are the same. To use an illustration from the concerns of individual life:—Suppose A, by 2 separate Deeds, grants half an acre of land to B, and the other half to C. B, by subsequent purchase, obtains the half acre granted to C, and then regrants the whole acre back to A. By whatever denomination the 2 half acres may have been called, in the interval between the first grant and the restoration, B might, with the most perfect propriety, be said to *retrocede* the whole;

and if in the Act of restoration the acre should be called by the same name, and expressly described as having the same extent as when it had been first owned by A, with what shadow of justice could B pretend that his regrant was only of the half acre he had first received from A, because the other half acre had, in the interval, been called by another name, and for some time owned by another Person? That the term *retrocession*, is in common use, in this sense, take the following passage from the English Translation of Alcedo's Dictionary.

"By a Treaty in 1783, Great Britain *retroceded* to Spain all the Territory which both Spain and France had ceded to Great Britain in 1763."

There would then be nothing in the terms *retrocede* or *retrocession*, which could limit the Territories restored by Spain to the Boundaries under which she had first received part of them from France; even if the original Cessions of the 2 parts had been made at different times; and even if those words, "*with the same extent it had when in the hands of France*," had not been inserted in the Treaty of St. Ildephonso. But when it is considered that the Cessions by France, of the 2 parts of Louisiana, were made to Spain and to England on the same day, when we know that the Cession of the part ceded to England had been made for the benefit of Spain, as it was an equivalent for the restoration by England of the Island of Cuba to Spain, and when we seek for any possible meaning to the words referring to the extent of Louisiana, when before owned by France; to our minds, Sir, the conclusion is irresistible, that the terms *retrocede* and *retrocession* can have, in this case, no other meaning than that for which we contend, and that they include the giving back to France the whole of Louisiana, which had ever belonged to France, and which it was, at the time of the signature of the Treaty of St. Ildephonso, in the power of Spain to restore.

By the words in the IIIrd Article of the Treaty of St. Ildephonso, adopted in the Treaty of Cession of 1803 to The United States, Spain *retrocedes* to France the *Colony* or *Province* of Louisiana, with the same extent that it "now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the Treaties subsequently entered into between Spain and other States." At the Negotiation of Aranjuez in 1805, your alleged Treaty of 1764, never occurred to the imagination of M. Cevallos, as one of these subsequent Treaties; for, after citing this Clause of the Article, he says, in his Letter to Messrs. Pinckney and Monroe, of the 24th February, 1805, "the Treaties here alluded to, are not, nor can be others than those of 1763, between Spain and England, and 1796, between Spain and The United States." The American Ministers, in their Answer of 8th March, 1805, explicitly agree in opinion with Mr. Cevallos on this point; and your intimation of a Treaty of 1764, to which you suppose the Clause also to apply, is as incompatible with the pretensions of

your own Government in 1805, as with those of The United States at this day.

To account for the peculiar phraseology used in this description, inserted in the IIIrd Article of the Treaty of St. Ildephonso, we must advert to the peculiar situation of the Territory to be conveyed, and to what *must* have been the intention of the Parties. It was a Colony or Province to be restored; and therefore the object of France could have been no other than to obtain the restoration of the whole original Colony, so far as it was in the power of Spain to restore it. But there was a part of the original Colony, which had been ceded by France to England, which had, in process of time, become a part of The United States, and which, not being then in the hands of Spain, she could not restore. There was another part which had been ceded by France, directly to Spain, which still remained in her hands, but subject to certain conditions stipulated by Spain, in a Treaty with The United States; and there was a third part which France had ceded to England, in 1762, but which had afterwards fallen into the hands of Spain, and which she was equally competent to restore, as if it had been ceded by France to herself. As the Boundaries of this Colony or Province never had been precisely defined, and had been, from its first settlement, a subject of dispute between France and Spain, the Parties had no means of recurring to any former definition of Boundaries, to carry their intention into effect; as they had no geographical lines or land marks, to which they *could* recur, they assumed their definition from circumstances incidental to the present and past time. If the intention had been to cede back the *Province*, only with the extent it actually had in the hands of Spain, the Parties would have said so, and omitted the other Clause, which, in that case, would have been not merely superfluous, but tending to perplex that which would have been clear without it. If it had been intended that Spain should restore to France, only what she had received from France, nothing could have been more clear and easy than to have said so: but then, the reference to the extent of the *Colony*, when France possessed it, would have been not merely absurd, but contradictory to that intention. The very use of both the terms, *Province* or *Colony*, shows that the Parties were looking to the original state, as well as to the actual condition of the Territory to be restored. Louisiana, the actual Spanish *Province*, was one thing, and Louisiana, the original French *Colony*, was another; the adoption of both words, is of itself a strong presumption, that the intention was to restore, not only the actual Province, but so much of any other Province, as was then in the hands of Spain, and had formed part of the original French Colony.

Assume the intention of the Parties to have been that for which we contend, and under the existing circumstances they could scarcely have expressed it by any other words than those which are found in the Article. Assume that they had any other intention, and you can find

no rational meaning for their words. The Province was to be restored, with the extent it actually had in the hands of Spain ; the Colony was to be restored, with the extent it had when formerly possessed by France. Spain could not restore the parts of the original Colony which were not in her actual possession, and which already formed parts of the Western States and Territories of this Union ; but she could restore that part of the Colony, of which she had become possessed by a Treaty of 1783, with Great Britain. Mr. Cevallos urged with some earnestness, that the first Clause having marked the extent of the Colony or Province, such "as it then had in the hands of Spain," it would be inconsistent and absurd to suppose, that the words "and that it had when France possessed it," could be intended to mark a greater extent, because it would be saying in one breath, that the Cession was of the *same* extent, and of *more* than the same extent, that it had in the possession of Spain. But there is no absurdity or inconsistency in modifying, by one Clause of a definition, an extent described in another Clause of the same definition ; no more than, in the description of a surface, the line in breadth is inconsistent with the line in length. According to this argument of Mr. Cevallos, the words "and that it had when France possessed it," had no meaning at all ; they merely repeated, what had been fully and completely expressed by the preceding Clause ; but if they had no meaning, what possible motive could the Parties have for inserting them, when it must have been perfectly familiar to the memory of both, that the extent of the Province or Colony, when in the hands of France, had included West Florida to the Perdido, which Territory was also then in the actual possession of Spain. If it were possible to suppose that the Ministers of France and Spain, in the very Article defining the extent of the Country to be conveyed, could have been so careless as to admit an idle waste of words, the very composition of this Article carries internal evidence with it, that no such improvidence is imputable to those by whom it was drawn up. The reference to the extent of the Colony in the primitive possession of France, could not be to a time when the property of it had been no longer hers. It could not be to say over again, what had been said in the immediately preceding Clause : every word of the description carries with it evidence of deep deliberation and significance. The first Clause marks the intention of the Parties, by the incident of actual possession by Spain ; all of which was to be restored ; the second Clause modifies, by enlarging the extent, from the incident of original possession by France ; and the third Clause modifies, by restricting the Grant to the Conditions which Spain had stipulated concerning the Territory, with other States. Altogether, the clear and explicit meaning of the whole Article is, that Spain should restore to France as much of old French Louisiana as she had to restore ; but under such restrictions as the engagements contracted by Spain with other Powers required of her good faith to secure.

Let us pass to the consideration of the Western Boundaries of Louisiana.

With the Note of Messrs. Monroe and Pinckney to Don Pedro Cevallos, of 28th January, 1805, a Memoir upon these Boundaries was presented to that Minister, proving that they extended Eastward to the Perdido, and Westward to the Rio Bravo, or Grande del Norte. They observed in that Note, that "the facts and principles which justify this conclusion, are so satisfactory to their Government, as to convince it that The United States have not a better right to the Island of New Orleans, under the Cession referred to, than they have to the whole District of Territory thus described."

In their Note of the 20th April, 1805, to the same Minister, replying to his argument in support of the pretensions of your Government with regard to those Limits, they lay down and establish, by a chain of reasoning, which neither Mr. Cevallos, at the time, nor your Government, at any period since, have ever attempted to break, three principles, sanctioned alike by immutable justice, and the general practice of the European Nations, which have formed Settlements and held Possessions in this Hemisphere; and by the application of which to the facts also stated in their Note, this question of the Western Boundary ought then to have been, and, eventually, must be settled. These principles were:

First. "That whenever any European Nation takes possession of any extent of Seacoast, that possession is understood as extending into the interior Country, to the sources of the rivers emptying within that Coast, to all their branches, and the Country they cover, and to give it a right in exclusion of all other Nations to the same."

2ndly. "That whenever one European Nation makes a discovery and takes possession of any portion of this Continent, and another afterwards does the same at some distance from it, where the Boundary between them is not determined by the principle abovementioned, that the middle distance becomes such of course."

3rdly. "That whenever any European Nation has thus acquired a right to any portion of Territory on this Continent, that right can never be diminished or affected by any other Power, by virtue of the purchases made by grants or conquests of the Natives, within the limits thereof."

The facts stated in this last mentioned Note, and to which these principles were applied in support of the Claim of The United States, under the Cession of Louisiana by France to them, were:

1. That the Mississippi, in its whole length to the Ocean, was discovered by French Subjects from Canada, in 1683.

2. That La Salle, a Frenchman, with a Commission and Authority from Louis XIV., discovered the Bay of St. Bernard, and formed a Settlement there, on the Western side of the River Colorado, in the year 1685, and that the possession, thus taken, in the Bay of St.

Bernard, in connexion with that on the Mississippi, had always been understood, as of right it ought, to extend to the Rio Bravo.

3. That the Boundary, thus founded upon Possession, was described as forming the Limits of Louisiana, in the Grant by Louis the XIVth, to Crozat, in 1712.

4. That it was supported by the testimony of the historical Writers, Du Pratz and Champigny; by an historical and political Memoir on Louisiana, written by the Count de Vergennes, the Minister of Louis the XVth; by a Chart of Louisiana, published in 1762, by Don Thomas Lopez, Geographer to the King of Spain; and by a Map of De Lisle, of the Academy of Sciences, at Paris, revised and republished there in 1792.

To these principles, thus clear, equitable, and explicit, to these facts, thus precise, authentic and unsophisticated, what was opposed by Don Pedro Cevallos at that time, and what is now alleged by you?

Mr. Cevallos began by admitting that the Western Limits of Louisiana had never been exactly fixed; and ^{he}alleged, that in the year 1690, 5 or 6 years after the possession taken and the Settlement formed by La Salle, Captain Alonzo de Leon, under a Commission from the Viceroy of Mexico, examined the Bay of Espiritu Santo, (St. Bernard,) took possession of the Territory, and founded the Mission of *St. Francisco de Texas*. Mr. Cevallos asserted, that it *would be very easy* to make it appear, that France never had claimed this extent for Louisiana; but he did not make it appear. He also said, that if France had claimed it, Spain had never recognized, and was not bound to acknowledge, the Claim.

Mr. Cevallos said, that the Limits between Louisiana and the Texas had always been *known*, even when the French possessed Louisiana; but he had just before acknowledged, that they had never been fixed. He spoke of Missions, founded near the beginning of the last Century, by the venerable Margel, of the Order of St. Francisco: he alluded to Plans and Documents and historical relations, which were not to be found in his Department, but many of which, he added, were in the Department of the Interior, besides those which were in the Viceroyalty of Mexico. But he never pretended a possession, by Spain, of the Territories in question, of an earlier date than 1690.

And what are these Plans and Documents, and historical relations, which, after the lapse of 13 years, you have drawn forth from all the archives of Spain and all the historical disquisitions, upon the discovery and conquest of the New World? Is it to that catalogue, biographical and geographical, of Spanish Adventurers, and of the numberless regions explored by them in the 16th century, which swells your Note of the 5th of January, that we are to look for the Limits of Louisiana and Texas? Or is it to that "Royal Order issued by Philip the IInd, enjoining the extermination of all Foreigners, who would dare to penetrate into the Gulf of Mexico," by virtue of

which the Viceroy fitted out the expedition to scour the Country and *hunt out* the French of La Salle's Settlement:—is it to that Royal Order that you appeal for proof of the prior title of Spain? It is even so. But as the Voyages of Ponce de Leon in 1511, of Francisco de Garay in 1518, and of Hernando de Soto in 1538, have no more bearing upon this question than the Voyages of Christopher Columbus and Sebastian Cabot, so you must be sensible that the Royal exterminating Order of Philip the IInd, if it proved any thing, would prove fatal to the whole Province or Colony of Louisiana. If that Order *could* have been carried into execution, no such Colony as that of Louisiana could ever have been established by France. That Order, and any proceeding of the Viceroy of Mexico under it, can no more affect the right of The United States to the Limits marked by the Settlement of La Salle, than it can impair their title to the Island of New Orleans. Far more honorable would it be, Sir, to the character of your Nation and the credit of your Government, to bury, in the profoundest oblivion, the memory of that atrocious Order, than at this day to produce it, for the purpose of bolstering up a title, for which you have in vain ransacked the records of the Spanish Monarchy to discover a better support.

To the efficacy, however, of this Royal Order, your whole argument, in behalf of the pretensions of your Government, perpetually recurs; for although in some passages of your Note, you appear disposed to allow to the Colony of Louisiana, at least the Eastern banks of the Mississippi, yet you are as frequently shrinking even from this concession, and representing the whole Colony as an encroachment upon the Dominion of Spain; at one time, representing it as a profound stratagem of Louis the XIVth, seizing with rapacious avidity the unsuspecting moment of confidence of his grandson Philip the Vth, while placing him upon the Throne of Spain; and at another, holding it up as the act of a disordered imagination of the same Louis XIVth, manifested in the Grant of 1712, to Crozat. This Grant you pronounce to be absurd and completely despicable; but for what reason it is not easy to conjecture. It certainly does not favor the pretensions of your Government, and it has none of the exterminating features of the Royal Order of Philip the IInd; but we consider it, as it has always been considered by the World, as a Document, not only indicative of sound judgment and discretion, but as marking the Limits of Louisiana, as always claimed by France, and transferred, as relates to the Western Limits, with her title to that Province, to The United States.

It is remarkable that, in imitation of Mr. Cevallos, you also, after repeatedly insisting that the Boundaries of Louisiana were well known, and always acknowledged by France, finally conclude by admitting, that they never were fixed or agreed upon. You repeat, time after

time, that the French *never disputed* the right of Spain to all the Territory Westward of the Mississippi, while you cannot deny the Settlement of La Salle at the Bay of St. Bernard, in 1684; nor that the French Settlements of Natchez and Natchitoches were made and maintained in spite of all the military expeditions, rigorous executions, and exterminating Orders, which the Viceroy of Mexico could send against them.

We may admit that, so long as the Spanish Viceroy could exterminate every Foreigner who dared to penetrate into the Gulf of Mexico, they had the Royal Order of Philip the 11th for so doing. The Bull of Pope Alexander the VIth is a Document of still earlier date, and at least of less disgusting import, upon which Spain once rested her claims to yet more extensive Dominion in this Western World. With equal show of reason, and with less outrage upon the rights of humanity, might you have alleged that Bull as the incontrovertible proof of the Spanish Claims, as to bring forth at this day, for its only substitute, that Royal Order of Philip the 11th.

You know, Sir, and your own Notes furnish, themselves, the most decisive proofs, that France, while she held the Colony of Louisiana, never did acknowledge the Mississippi as the Western Boundary of that Province. The claim of France always did extend Westward to the Rio Bravo, and the only Boundaries ever acknowledged by her, before the Cession to Spain of 3rd November 1762, were those marked out in the Grant from Louis XIVth, to Crozat. She always claimed the Territory, which you call Texas, as being within the limits, and forming part of Louisiana; which in that Grant is declared to be bounded Westward by New Mexico, Eastward by Carolina, and extending inward to the Illinois and to the sources of the Mississippi, and of its principal branches.

Mr. Cevallos says, that these Claims of France were never admitted nor recognized by Spain. Be it so. Neither were the claims of Spain ever acknowledged or admitted by France; the Boundary was disputed and never settled; it still remains to be settled: and here is a simple statement of the grounds alleged by each of the Parties in support of their Claims:

On the part of The United States.

1. The discovery of the Mississippi, from near its source to the Ocean, by the French from Canada, in 1683.
2. The possession taken and Establishment made by La Salle, at the Bay of St. Bernard, West of the Rivers Trinity and Colorado, by authority from Louis XIVth, in 1685.
3. The Charter of Louis XIVth to Crozat, in 1712.
4. The historical authority of Du Pratz and Champigny, and of the Count de Vergennes.
5. The geographical authority of De Lisle's Map; and especially

that of the Map of Don Thomas Lopez, Geographer to the King of Spain, published in 1762.

These Documents were all referred to in the Letter from Messrs. Pinckney and Monroe to Mr. Cevallos, of 20th April, 1805. Since which time, and in further confirmation of the same Claims, the Government of The United States are enabled to refer you to the following :

6. A Map published by Homann, at Nuremberg, in 1712.

7. A Geographical Work, published in 1717, at London, entitled *Atlas Geographicus*, or a Complete System of Geography, Ancient and Modern, in which the Map of Louisiana marks its extent from the Rio Bravo to the Perdido. In both these Maps, the Fort built by La Salle is laid down on the spot now called Matagorda.

8. An Official British Map, published in 1755, by Bowen, intended to point out the Boundaries of the British, Spanish and French Colonies in North America.

9. The Narratives published at Paris, of Hennepin, in 1683 ; of Tonti, in 1697 ; and of Joutel, in 1713.

10. The Letter from Colonel La Harpe, in answer to Don Martin D'Alarconne, of the 8th July, 1719. (Enclosures 1. 2.)

11. The Order from the French Governor of Louisiana, Bienville, to La Harpe, of 10th August, 1721. (Enclosure 3.)

12. The Geographical Work of Don Antonio de Alcedo, a Spanish Geographer of the highest eminence. This Work and the Map of Lopez having been published after the Cession of Louisiana to Spain, in 1762, afford decisive evidence of what Spain herself considered as the Western Boundary of Louisiana, when she had no interest in contesting it against another State. (Enclosure 4.)

On the part of Spain.

1. The Voyages of Ponce de Leon, Vasquez de Ayllon, Panfilo de Narvaez, Hernando de Soto, Luis Moscoso, and other Spanish Travellers, in the 16th Century ; who never made any settlement upon any of the Territories in question ; but who travelled, as you observe, into Countries too tedious to enumerate.

The Establishment of the New Kingdoms of Leon and Santander, in 1595, and the Province of Coahuila, in 1600.

3. The Province of Texas, founded in 1690.

Here you will please to observe begins the conflict with the Claims of France to the Western Boundary of Louisiana, transferred by the Cession of the Province to The United States. The *Presidios*, or Settlements, of Las Texas were, by your own statement, adverse Settlements to that of La Salle, who, 6 years before, had taken formal possession of the Country in the name of, and by authority of a Charter from, Louis XIV. They were preceded by an Expedition from Mexico the year before, that is 1689, to *hunt out* the French remaining of the

Settlement of La Salle. Now what right had the Viceroy of Mexico to hunt out the French who had formed a Settlement under the sanction of their Sovereign's authority? You will tell me that, from the time when Santa Fé, the Capital of New Mexico, was built, *Spain considered* all the Territory East and North of that Province, as far as the Mississippi and the Missouri, as her property; that the whole circumference of the Gulf of Mexico was hers; and that Philip the IInd had issued a Royal Order to exterminate every Foreigner who should dare to penetrate into it: so that the whole question of right between The United States and Spain, with regard to this Boundary, centres in this—the naked pretensions of Spain to the whole circumference of the Gulf of Mexico, with the exterminating Order of Philip the IInd on one side, and the actual occupancy of France, by a solemn Charter from Louis XIVth on the other. Well might Messrs. Pinckney and Monroe write to Mr. Cevallos, in 1805, that the Claim of The United States to the Boundary of the Rio Bravo was as clear as their right to the Island of New Orleans!

In the Letter of Messrs. Pinckney and Monroe to Mr. Cevallos of the 20th of April, 1805, referring to the historical Documents relative the discovery and naming of Louisiana, they state that the Mississippi was discovered, with “its waters and dependent Country, as low down the river as the Arkansas, by the Sieurs Joliet and Marquette, from Canada, as early as the year 1673, and to its mouth by the Father Hennepin, in 1680; and by De la Salle and Tonti, who descended the river with 60 men to the Ocean, and called the Country Louisiana, in 1682; and in respect to the Bay of St. Bernard in 1685.” That this was done at these periods in the name and “under the authority of France, by acts which proclaimed her Sovereignty over the whole Country, to other Powers, in a manner the most public and solemn, such as making Settlements and building Forts within it.”

To this Mr. Cevallos made no reply in 1805. But you, after giving an account of the murder by Spaniards of René de Laudonnière, observe, that “the story related of a Recollet Friar, called Father Hennepin is still more *ridiculous*; who is said to have been made a prisoner by the Indians at the time they were at war with the French of Canada, and taken to the Illinois, whence he was occupied in exploring the Country as far as the banks of the river St. Louis or Mississippi, of which he took possession in the name of Louis the XIVth, and gave it the name of Louisiana, (doubtless in his secret thoughts and by a mere mental act.)” You add, that these accounts and others of the like nature are “contemptible in themselves, even although the facts they relate were authentic; since nothing can be inferred from them that can favour the idea started by those who speak of those transient adventures and incursions.”

I have in my possession, Sir, and it shall, when you please, be sub-

ject to your inspection, a Volume, published at Paris in the year 1683, the title of which is, “Description de la Louisiane, nouvellement découverte, au Sud-Ouest de la Nouvelle France, *par ordre du Roy*, dédiée à Sa Majesté, par le R. P. Louis Hennepin, Missionnaire Recollet et Notaire Apostolique.” (Description of Louisiana recently discovered to the Southwest of New France, *by order of the King*. Dedicated to His Majesty by the Rev. Father Louis Hennepin, a Recollet Missionary and Apostolic Notary.) In the preface to the King, the Author says—“Sire, I should never have dared to take the liberty of offering to Your Majesty, the Narrative of a new discovery, which the Sieur de la Salle, Governor of Fort Frontenac, my Companions and myself have just made to the Southwest of New France, if it had not been undertaken by your orders.” “We have given the name of Louisiana, to this great discovery, being persuaded that your Majesty would not disapprove that a part of the Earth watered by a river of more than 800 leagues, and much greater than Europe, which may be called the delight of America, and which is capable of forming a great Empire, should henceforth be known by the august name of Louis, that it may thereby have a sort of right to your protection, and hope for the advantage of belonging to you.”

Now, Sir, permit me to request you to compare this authentic statement, with that perversion of all historical evidence, by which you have styled and have attempted to make the story of Father Hennepin's discovery of Louisiana ridiculous. Here is a Book published at Paris, dedicated to Louis the XIVth, at the most glorious period of his reign, declaring to the World the discovery of Louisiana—declaring that it was made by his orders, and called by his name, for the express purpose of entitling it to become his property. Is this contemptible? Is this a secret thought, or a mere mental act? Is this a transient adventure or incursion? And after calling this information too vague and uncertain, upon which to found a title, can you talk of the rights of possession derived to Spain from the travels of Ponce de Leon, Francisco de Garay, and Vasquez de Ayllon?

Your view of the Expeditions and Adventures of La Salle, is equally remote from the real and well authenticated facts. “Let us see,” you say, “what importance can be attached to what is said of Bernard [Robert] de la Salle, who in 1679 descended from Canada to the Mississippi, and there built Fort *Crevecoeur* according to M. du Pratz, or Fort Prudhomme, according to others. *What is certain*, amounts to this, that he only made a rapid incursion from Canada to the Mississippi, as any other Adventurer might do, *crossing the Territories of another Nation*; that he returned to Quebec, without any further result, than that of an imperfect exploration of the Country, and that he embarked at Quebec for France, from whence he returned in 1684, with an expedition composed of 4 Vessels, commanded by Captain

Beaujeu, to explore the mouth of the Mississippi," &c. In this passage you represent :

1. The facts attending the Expedition of La Salle as *uncertain*.
2. That he only made a rapid incursion, as a private Adventurer, and, so far as related to his exploring Expedition, with an imperfect result.
3. That he only went from Canada to the Mississippi, and thence returned to Quebec, whence he embarked for France.
4. That he only crossed the Territories of another Nation, (meaning Spain.)

I examine this part of your Note, with a minuteness, which will be tedious to you, because it is precisely upon the character of La Salle's Expeditions that the Grant of Louisiana to Crozat, by Louis the XIVth, is in express terms founded ; because you have represented these Expeditions in the colors thus marked, with the avowed purpose of weakening the original title of Louisiana ; and because you know that the characters, diametrically opposite, which I shall now prove to have belonged to them, must lead to the result of an incontestable title, in France, and consequently, at this time, in The United States. I answer the above insinuations, in the order in which they have been stated.

There are 3 Narratives of the Expeditions of La Salle, all published at Paris, by Persons who accompanied him in them.

The 1st in 1683, by Father Louis Hennepin ; the same Volume from which I have already presented you an Extract.

The 2nd by the Chevalier Tonti, Governor of Fort St. Louis, at the Illinois, published in 1697.

The 3rd by Joutel, who was with him in his last Expedition, and almost by his side when he fell by the hands of an Assassin.

Of all the heroic enterprizes, which in the 16th and 17th Centuries signalized the discoveries of Europeans upon this Continent, there is not one, of which the evidence is more certain, authentic, and particular, than of those of La Salle.

La Salle, after having resided many years in Canada, as Governor of Fort Frontenac, formed the project of exploring the Country from thence to the Gulf of Mexico, and of taking possession of it in the name of his Sovereign. He went to France for the purpose of obtaining the sanction to his Enterprize. " His Majesty, (says Tonti,) not content with merely approving his design, caused orders to be given to him, granting him permission to go and put it in execution ; and to assist him to carry so vast a project into effect, shortly after the necessary succors were furnished him, with entire liberty to dispose of all the Countries which he might discover."

He sailed from La Rochelle the 14th of July, 1678, and arrived at

Quebec, the 15th of September. On the 18th of November, of the same year, he left Fort Frontenac, to proceed upon his Expedition with 30 Men, Tonti and Father Hennepin being of the company. After spending more than a year in traversing the 4 Lakes, now known by the names of Ontario, Erie, Huron and Michigan, and erecting Forts at suitable places, where he landed; from them he embarked upon the Illinois River, and having descended it for some distance, was obliged to stop, from the disappointment of losing a boat from which he expected supplies. Here, upon the Illinois River, he built Fort Crevecoeur—divided his Company into 2 separate Parties, 1 for ascending the Mississippi to its source, and the other for proceeding down that river. Father Hennepin was of the former of these parties, and in their progress upwards, which they accomplished higher than the Falls of St. Anthony, was taken prisoner by the Indians, and, after some time, was released by them; found his way back to Quebec, and thence returned to France, and published the Book of which I have spoken. In this Book, published in 1683, at Paris, and marked as having been finished printing the 5th of January of that year, 3 months before La Salle had reached the mouth of the Mississippi, there is a Map of the River as far down as Hennepin descended it, after he parted from La Salle, and upwards, to the Falls of St. Anthony, and the River St. Francis, above them; at some distance above which, within a few leagues of its source, is the Oak Tree upon which the Arms of France were carved, by the Detachment from La Salle's Expedition, authenticating with the most minute precision, the discovery of the Mississippi, to within a small distance of its source, as well as its course to the Gulf of Mexico. On the same Map are also marked the Fort at the Miamies, and that of Crevecoeur, on the Illinois River, constructed by La Salle's orders.

In the meanwhile, La Salle was obliged to leave the other part of his Company under the command of Tonti, and go back to Fort Frontenac, for the supplies and reinforcements which had failed him, by the loss of his Boat. He returned and joined them again in November, 1682, proceeded down to the Mississippi, and to the mouth of the Wabash, where they built the Fort Prud'homme, which you have confounded with that of Crevecoeur; after which they continued descending and successively meeting the Cappa, Arkansas, Tensas, Abenake, Tacucas, and Natchez Indians, and, on the 7th of April, 1683, reached the mouth of the Mississippi, where, after the religious solemnity of a Te Deum, they took formal possession of the Country, erected a Cross, fastened the Arms of France upon a tree, and built several huts, which they surrounded with suitable intrenchments. La Salle, having thus accomplished the objects of his Expedition, returned by the same way, ascending the River, to his Fort of Prud'homme, which he reached on the 12th of May, and where he was some time

detained by sickness. "On his arrival at Quebec," (says again Tonti,) he informed the whole City of his great discoveries, and of the voluntary submission of so many different Indian Nations to the power of the King. A Te Deum was celebrated as a thanksgiving for this happy accession to the glory of the Crown. The eagerness of M. de la Salle to go and make known to the King and his Ministers the success of his travels, obliged him to hasten his departure. He left Canada in the beginning of October, 1683." On his return to France he was received with many marks of distinction by the King and his Ministers, and a new Expedition was fitted out of 4 Vessels and nearly 300 Persons, for the purpose of forming a Colony at the mouth of the Mississippi. One of these Ships was a Frigate of the King, of 40 guns, commanded by M. Beaujeu, in which La Salle himself, his brother Cavalier, and the principal Persons belonging to the Expedition embarked. Another was a smaller armed Vessel, which the King had given to La Salle. The 3rd a Flute of 300 tons, laden with all the articles necessary for the Settlement of the Country; and the 4th a small Sloop of 30 tons freighted for St. Domingo, where the Expedition stopped on its way, but before their arrival at which, this last Vessel was taken by Spanish Cruizers. This Expedition sailed from La Rochelle on the 24th of July, 1684.

They failed in finding the mouth of the Mississippi, their destination; an accident similar to that which had happened to the first Settlers of New England; and after many disasters, landed and built a Fort, in February, 1685, at the head of the Bay of St. Bernard, or, as they call it, of St. Louis, and Westward of the River Colorado. Beaujeu returned with the Frigate to France; the 2 other Vessels were lost in the Bay; and La Salle, after several unsuccessful attempts to find the Mississippi, on the 12th of January, 1687, left, at his Fort, 20 Persons, including 7 Women, under the command of Le Barbier, and took his departure with 16 others, to go by land to the Illinois, and thence through Canada to France, to seek further reinforcement and supplies. On this journey he was basely assassinated on the 19th of March, 1687, by 2 of his own men; and left a name among the illustrious Discoverers of the New World, second only to that of Columbus, with whose history and adventures, his own bear in many particulars, a striking resemblance. His Brother Cavalier, however, with Joutel, Father Anastase, and several others of the Party with whom he had commenced the journey, successfully accomplished it, arrived at the French Fort at the Illinois, where they found Tonti still in command, after having again been down to the mouth of the Mississippi, conformably to his Orders from La Salle, to meet the Expedition from Europe, and after waiting some time there, returning to his post. From the Fort at the Illinois, Cavalier, Joutel, and Father Anastase, proceeded to Quebec.

and thence returned to France, where they arrived in October, 1688, and where Joutel published the Narrative of the Expedition, to which I have referred.

From this Work of Joutel it likewise appears, that the Fort and and Colony left by La Salle at the Westward of the Colorado, was destroyed, not as you state by the Indians, but by the Spaniards from Mexico; who, until that time, had never had any Settlement of any kind, nearer than Panuco, and who, by your own account, had no other right or authority for this act, than the Royal Order of Philip the IIInd, to exterminate all Foreigners penetrating into the Gulf of Mexico.

The Settlements of La Salle, therefore, at the head of the Bay St. Bernard, Westward of the River which he called Rivière aux Boeufs, but which you call Colorado of Texas, was not, as you have represented it, the unauthorized incursion of a private Adventurer into the Territories of Spain, but an Establishment having every character that could sanction the formation of any European Colony upon this Continent; and the Viceroy of Mexico had no more right to destroy it by a Military Force, than the present Viceroy would have, to send an army and destroy the City of New Orleans. It was a part of Louisiana, discovered by La Salle under formal and express authority from the King of France; and the Royal exterminating Order of Philip IIInd., was but one of the multitude of sanguinary acts which signalized the Reign and name of that Monarch, while the name of La Salle is entitled to stand high in the glorious roll of the benefactors of mankind. After this Statement, founded upon the most authentic Documents, the foundation of the Presidio of Texas, in 1693, was by your own showing, an unlawful encroachment upon the Territories of France, which by the first of the 3 principles laid down by Messrs. Pinckney and Monroe, at Aranjuez, and above referred to, extended on the Coast of the Gulf of Mexico, half way to the nearest Spanish Settlement of Panuco, namely, to the Rio Bravo.

Your "thorough investigation" of the History of the original French Settlements at the Illinois, and the Arkansas, is as unfortunate, and as wide from the facts, as all the rest of your dissertation upon the History of Louisiana. The following translated Extracts from the Work entitled "*Dernières Découvertes, dans l'Amérique Septentrionale de M. de la Salle, mises au jour par M. le Chevalier de Tonti, Gouverneur du Fort St. Louis, aux Illinois,*" (Last Discoveries in North America, of M. de la Salle, published by the Chevalier Tonti, *Governor of Fort St. Louis, at the Illinois.* Paris, 1697) will furnish you with more correct ideas upon the subject.

When la Salle left his Fort, Crevecoeur, on the 8th of November, 1680, to go back to Canada for supplies, "on the 3rd day

(says Tonti) he arrived at the great Village of the Illinois, where, after having observed the situation of the Country, in the midst of several Nations of the Miamis, Kickapoos, Ainoos, Mescontaws, and several others, watered by a beautiful River, he thought he ought to build a Fort upon a height commanding the whole Country, as well to make himself master of all these different Tribes, as to serve as a retreat and a rampart for our French People." (p. 94.) M. de la Salle, after that, learning his Boat was "lost, was not in the least discomposed, but wrote to me immediately, sent me with his Letter the plan of the Fort that he had designed, and ordered me to come and set to work upon it without delay." Tonti accordingly went and began the building of the Fort, which, from various untoward events, he was soon obliged to abandon. La Salle afterwards, before rejoining Tonti to proceed down the River, went to the new Fort, and left several workmen to continue, and some Soldiers to guard it. But it was upon his return from the mouth of the Mississippi, on leaving Michilimackinac, to go to France, that he gave orders to Tonti to finish the Fort.

"He charged me with the duty to go and finish Fort St. Louis, of which he gave me the government, with a full power to dispose of the Lands in the neighborhood, and left all his People under my command, with the exception of 6 Frenchmen, whom he took with him to accompany him to Quebec. We departed on the same day, he for Canada, and I for the Illinois."

Tonti accordingly finished the Fort, round which a regular and rapid Settlement was formed; and a new Governor in Canada, having displaced him in the command of the Fort, he was restored to it through the influence of La Salle, by a regular Commission from the King Louis the XIVth.

So much for the Settlement at the Illinois. You have seen that when La Salle, in 1683, returned to France, to fit out the new Expedition for the mouth of the Mississippi, he ordered Tonti, at the proper time, to go down from Fort St. Louis and meet him there. In the autumn of 1684, Tonti was informed by the Governor of Canada, that La Salle had sailed from La Rochelle with 4 Ships from the Gulf of Mexico. He, therefore, took with him 40 men from Fort St. Louis, and went down the River to the Gulf, where he waited until Easter Monday, 1685, for La Salle's arrival. He was obliged to go back disappointed, and on his way upwards, when he came to the Arkansas, he says, "My French Companions, delighted with the beauty of the climate, asked my permission to settle there. As our intention was only to humanize and civilize the Savages, by associating with them, I readily gave my consent; I formed the plan of a house for myself at the Arkansas. I left 10 Frenchmen of my company there, with 4 Indians, to proceed with the building, and I gave them leave

to lodge there, themselves, and to cultivate as much of the land as they could clear. This little Colony has since then so much increased and multiplied that it has become a resting place for the Frenchmen who travel in that Country."

I trust, Sir, we shall hear no more of the independent and unconnected Indian Colonies of the Illinois and the Arkansas; nor of the *pretended* Settlement of the French there.

You consider the Charter of Louis the XIVth to Crozat, as a solitary Document, warranted by nothing that had preceded, and supported by nothing that followed it, and you appear to believe that the first Expedition to Louisiana, was that of 1699 and 1700. I have shown you, Sir, that that Expedition was fitted out, as it is represented in the Grant to Crozat, merely to carry into execution the Project originally formed by La Salle. The Mississippi, from near its source to the Ocean, had been discovered by him in an Expedition meditated by him for many years before, for which he had obtained the authority from Louis the XIVth. through the influence and patronage of Colbert. The Expedition of Joliet, in 1673, Hennepin says, was only an envious rival attempt, to forestal the great design which was even then known to be intended by La Salle, and for which he had already been making laborious and expensive preparations. Joliet reached the Mississippi, and returned without making any other discovery or any Settlement; but La Salle's undertaking has every characteristic of sublime genius, magnanimous enterprize, and heroic execution. To him, and to him alone, the People of this Continent are indebted for the discovery, from its source to the Ocean, of the Mississippi, the father of the floods; and of the numberless millions of freemen destined in this and future Ages to sail on his bosom, and dwell along his banks, and those of his tributary streams, there is not one, but will be deeply indebted for a large portion of the comforts and enjoyments of life, to the genius and energy of La Salle.

It was in the order of Providence, that he should not live to accomplish the whole of his undertaking, but that he should so nearly accomplish it, as to place it beyond the power of events, that it should perish with him. His project was revived immediately after the Peace of Ryswick, and Settlements were effected by d'Iberville and his brother, near the mouth of the Mississippi, upon the Gulf of Mexico. They languished, as they naturally must during the War of the Spanish succession. The Grant to Crozat, after a very few years, was transferred to the Mississippi Company, and soon after the Peace of Utrecht, the City of New Orleans was founded.

There is no doubt, that if the Viceroy of Mexico could have exterminated d'Iberville and his Expedition, no French Settlement on the Gulf would have been made. The Spanish Establishment at Pensacola had been made only one month before he arrived there, and sole-

ly for the purpose of preventing him. The Spaniards protested even against his entering the Mississippi. So it was afterwards, when the French Settlement was made at Natchitoches; immediately afterwards, was founded the Post at Adaes. Wherever a Frenchman took a seat, there appeared a Spaniard from Mexico to dispute his right to it; but the original usurpation, which vitiated all those that followed, was the foundation of the Presidio of Texas, after extirpating the Settlement of La Salle at the Bay of St. Bernard. And so far was France from renouncing or abdicating any part of the right asserted in the Charter to Crozat, that under the Mississippi Company M. de Bourmon was appointed, with a salary, as Commandant on the Missouri, and Bernard la Harpe, Commandant for the Bay of St. Bernard. In August, 1721, he went there, and left a new impression of the Arms of France, as a continued assertion of the title. A Vessel, commanded by Berenger, had been sent there, and had left a Sergeant and 3 Men the year before. The Correspondence between De La Harpe and d'Alaconne, shows the respective Claims both of France and Spain at that time, nor do they appear to have been, nor have you exhibited any Document to show that they had been, in any manner varied, until the Cession of the Province to Spain, in November, 1762.

You affirm, that "from the year 1693 the Province of Texas has continued in perfect tranquillity under the Spanish Government, and no further attempts were made by the French, to penetrate into any part of it." The Letter of M. de la Harpe, to Don Martin D'Alarconne, of 8th July, 1719, is sufficient to refute this assertion.

You assert, that the French Settlements of Natchez and Natchitoches, were made only through the sufferance or permission of the Spanish Governors, for the sole purpose of trading with the Indians. We say that you have not a particle of evidence to support this assertion, and that the whole tenor of the historical evidence is to the contrary; that the Post of Natchitoches, particularly, was established with the deliberate purpose of preventing a Spanish Establishment there, and that the Mission of St. Michel at the Adaes, was founded after it, and in opposition to it. You admit, yourself, that although positive orders were issued by the Spanish Governors, to drive the French from the whole District, and to destroy both the Posts of Natchez and Natchitoches; yet the Officer charged with the execution of the Orders, after advancing with a sufficient Force for that purpose, acceded to the proposals of the French at Natchitoches, that Arroyo Hondo, midway between Natchitoches and Adaes, should be considered as the dividing line, until the determination of the 2 Courts. Which state of things you say continued until the Cession of Louisiana to Spain in 1762. What clearer proof could be required, that the French never renounced their Claim to the Countries watered by the Mississippi and its branches, and that Spain has nothing to oppose

to that claim which she might not with as much force oppose to the right of France to every other part of the Colony of Louisiana?

You allege, that upon the Cession of Louisiana to Spain, a Memoir of its proper extent and limits was drawn up by Mr. Kerlet, who had been many years Governor of the Province, and delivered by the Duke de Choiseul to the Spanish Ambassador at Paris, as a Supplement to the Act of Cession;—that this Memoir contained a description of its proper extent and limits, and *agreed substantially* with your assertions. Permit me to observe, that had you produced the Memoir itself, it might be a subject of reply or of remark; that not having produced it, you cannot expect it should be considered as possibly differing in substance from the Charter of Louis the XIVth, by which alone Louisiana had been held, or from the subsequent Memoir of the Count de Vergennes; and that the rights of The United States can as little be affected by secret Memoirs, as by imaginary Treaties, or exterminating Royal Orders of Philip the 11nd. With regard to your offer of further demonstrations of the Spanish Title, if they are of the like description with these, you will do well to spare yourself and me the waste of time, which it would take to produce and to notice them. You have the goodness to inform me, in the name of the King, your Master, that Spain has an indisputable right to all the right bank of the Mississippi, but that His Majesty has resolved to claim it, solely with a view to adhere to the *uti possidetis* of 1764. If, Sir, you will exhibit *any* evidence of right in Spain to the right bank of the Mississippi, it will be considered by the Government of The United States, with all the attention to which it can be entitled. In the mean time you cannot but perceive, that this pretension is utterly incompatible both with that advanced in another part of your Note, of a right in Spain to the whole circumference of the Gulf of Mexico, and with that of the *uti possidetis* of 1764.

The question of disputed Boundaries between European Settlements in America is not new. From the nature of those Settlements, the imperfect geographical knowledge, possessed by all the Parties to them, of the Countries where they formed their Establishments, and the grasping spirit by which they were all more or less animated in forming them, it was inevitable that disputed Boundaries should be an appendage to them all. Of this spirit of boundless ambition, Spain gave the most memorable example, by the original pretension of engrossing to herself the whole American Hemisphere. The common sense and common feeling of mankind could not and did not long tolerate this assumption. With what lingering reluctance, and by what ungracious gradations Spain was compelled to recede from it, is notorious in the annals of the last 3 centuries; but it is among the most curious characteristics of your Notes to show, that she clings to these long exploded pretensions still. You have not scrupled, even at this day, to

style the most ancient Settlements of other European Nations in America, "attempts to disturb the Spaniards in their Possessions in the New World."

You recal to mind with exultation, as if pointing to the most splendid monuments of Spanish glory, the ferociousness with which they attacked, and made prisoners, and put to death, and overthrew, dissipated and destroyed, the Forts and Settlements of Francis Ribaut, and René de Laudonnière, the companion of Coligny. You recite with triumph the expedition of Alonzo de Leon, to scour the Country and hunt out the wretched remnant of the brave and enterprising but unfortunate La Salle's Establishment. You record, as one of your proudest Title Deeds, the rigorous execution of the sentence of a Court Martial upon the Spanish Governor of Adaes, Sandoval, for yielding a musket shot's length of ground to the French Governor of Natchitoches, suffering under the calamity of an inundation. You call the whole Colony of Louisiana an *intrusive Establishment*, style the authentic Charter of Louis XIVth the absurd and despicable act of a disordered imagination; assert more than once a right of Spain to the whole circumference of the Gulf of Mexico, and talk of the Territory and Dominions of the Crown of Spain, as if we were living in the age of Ferdinand the Catholic, or of Charles the Vth.

To all such pretensions on the part of Spain, I am directed to inform you that The United States can never accede. The President is willing to hope that the time will come, when your Government will become sensible of the uselessness of resorting to them.

From the time when the Establishments of European Nations on these Continents became common, and their respective Claims of Territory under the Charters of their Sovereigns were found to interfere with one another, reason, justice, and necessity concurred in pointing out to them certain rules and principles for the adjustment of their conflicting Claims. By these rules and principles, we are willing that the question of the Western Boundary of Louisiana may be decided. Till Spain, who has repeatedly acceded to them heretofore, shall be prepared to abide by them on this occasion, it will be of little avail to pursue a discussion, upon which the principles of the Parties are utterly irreconcilable together.

With regard to the Third of the subjects of difference between Spain and The United States, that remains to be adjusted, the Claims of Indemnification for injuries, losses, and damages, suffered by American Citizens from Spanish Authorities and Subjects, and within Spanish jurisdiction; I flatter myself from the tenor of your Note, devoted particularly to the consideration of this point, that it is not absolutely unsusceptible of being brought to a favorable issue. You express the willingness of your Government to resume the unratified Convention of 1802, and to extend its Stipulations to the Cases of Complaint of a simi-

lar character to those provided for in it, which have since that time accrued. It is undoubtedly the intention of this Government, that its engagements should be reciprocal, and if this was not expressly declared in my Note of the 16th of January, it was merely because the President was not aware that any such Claims of Spanish Subjects, for Indemnities from the American Government, were in existence. I am authorized to assure you that there will be no difficulty in including any such as may exist in the Convention, and in making The United States answerable for all Indemnities which may be justly due by them. As you have also been empowered to include the Cases of Injuries and Losses of Citizens of The United States, in consequence of the suppression by the Spanish Intendant of the Deposit at New Orleans, as stipulated by the Treaty of 27th October, 1795, it cannot be necessary for me to reply to your objections against the admission of those Claims. I the more readily pass over that argument, because, as it is merely a repetition of what was urged on the same point by M. Cevallos in 1805, it may suffice to refer you, for a full and complete refutation of it, to the Letter from Messrs. Pinckney and Monroe to him, of 26th February of that year.

But even upon this branch of the Negotiation, it is with regret that the President perceives a persevering determination of your Government, to exclude from the consideration of the Commissioners for settling Indemnities, the Cases of American sufferers by French spoliations committed within the jurisdiction of Spain. In answer to your reference to the arguments of M. Cevallos on this point, in his Notes to Messrs. Pinckney and Monroe, of 10th February, and 4th March, 1805, it will be sufficient for me to refer you to their Letters to him of 28th January, 12th and 26th February, 8th March, 9th April, and 12th May, with the statement then made by them of French Captures of American Vessels carried into the Ports of Spain, and the demonstration that no indemnity for any one of those Cases had even been demanded by the American Government, of France, much less provided for in the Conventions between The United States and France, of 1800 and 1803. When you say that "no reply was made on the part of The United States, weakening in the least the force of the principles and the truth of the facts, on which the opposition of Spain to a responsibility for those damages and injuries was founded," it is impossible to account for your assertion, but by supposing you have not been furnished by your Government with a Copy of the above-mentioned Statement. I therefore now enclose (Enclosure 5) a Copy of it, in which you will find how grossly mistaken, with regard to the facts, are all the allegations in the Letter of the French Minister of Foreign Relations, to Admiral Gravina, of 27th July, 1804, of which you have inserted in your Note an entire Copy, and of which M. Cevallos had already favored Messrs. Pinckney and Monroe with an Extract.

It may be proper here to present some obvious remarks upon the frequent appeals to the opinions and assertions of France (under the Government of Napoleon) in reference to the controversy between The United States and Spain, which were made by M. Cevallos at Aranjuez, in 1805, and which are now repeated by you, with as much confidence as if you considered France, as then governed, the most impartial of Umpires, and the most disinterested of Friends.

At that time, when these opinions and representations of France were alleged by M. Cevallos, they were answered by the American Ministers with the firmness which became the Representatives of a great and independent Nation, and with the sentiment, at once of their Country's dignity, and of the respect due to the Government of France, with which The United States were in amity. With regard to the Eastern Limits of Louisiana, they observed that the question depending upon the construction of a Treaty to which The United States were a Party, the opinion of France concerning it could be of no more weight in itself, than that of The United States. That in adopting the phraseology of the Treaty of St. Ildephonso, when France declined substituting a more specific definition of Boundaries, The United States could not be supposed to have subjected themselves to the subsequent explanatory restrictions by France, of that which she then chose to leave standing upon the force of the terms themselves; and that the delivery of the Province by the Commissioner of France to The United States, having been without any limitation, it was obvious that he had received it alike without limitation.

With respect to the French spoliations within Spanish jurisdiction, while the interest of France was so immediate and direct, as to take from her opinion all right to the consideration due to an impartial Arbitrator, it was supposed that the proper view of the subject had not been presented to the Emperor; and the most unequivocal demonstration was given, that no indemnity or satisfaction had been received, or even demanded, from France, by The United States, for this description of injuries.

At this day, your Government must be aware that the umpirage, and even the opinions, of France upon these questions, was liable to other and still more decisive objections. Of the use which France was already making, and was further contemplating to make, of Spain, of her Revenues and Possessions, not only in Europe, but in every other Quarter of the Globe, little needs to be said. That she was converting to purposes of her own all the resources of Spain, has been, since then, too signally manifested to the World to require further elucidation. It was impossible for her to recognize that Spain was bound to indemnify The United States for the spoliations of French Cruizers within Spanish jurisdiction, without acknowledging herself the debtor of Spain to the same amount. To call for her testimony,

therefore, was to claim her as a witness in her own cause ; to appeal to her opinions was to make her the judge of her own delinquencies. By countenancing Spain in the denial of justice to others, she did but reserve her as a richer spoil for herself ; nor can it be dissembled, that the recourse of Spain, on that occasion, was rather to the predominating power than to the justice of France. These observations are made, not with the view of reproaching Spain now, for the compliances with which she then sought and obtained the Declarations of France in her favor, upon her controversies with The United States, but to show the solid and irrefragable grounds upon which The United States may refuse all deference for the opinions, and disclaim all credit to the statements of France.

At the time when France had ceded Louisiana to The United States, her good offices with Spain to secure the acquisition of Florida to The United States, had been explicitly promised. The Letter of Mr. Monroe to M. Talleyrand of 8th November, 1804, in reminding him of that engagement, had sufficiently shown, that the Government of The United States, in calling upon France for the performance of her promise, had no intention of admitting her to arbitrate upon the extent of the concession which had been made by herself. True it is that she not only espoused the side of Spain, as considering it her own, but she even stimulated Spain to the denial of justice to The United States. As her motives, if Spain could be doubtful of them then, must be abundantly notorious now, it could scarcely have been expected that Spain should still recur to them, as entitled to the slightest consideration or credit.

There is no principle of the Law of Nations more firmly established than that which entitles the property of Strangers, within the jurisdiction of a Country in friendship with their own, to the protection of its Sovereign, by all the efforts in his power. This common rule of intercourse between all civilized Nations, has, between The United States and Spain, the further and solemn sanction of an express Stipulation by Treaty. In violation both of the common usage of Nations, and of the express promise of Spain in the Treaty, nearly 200 Vessels and their Cargoes, belonging to Citizens of The United States, were seized, many of them within the territorial Limits of Spain, and under the cannon of her Fortresses, by French Cruizers ; and all of them were condemned within Spanish jurisdiction.

You allege ;—1st. That Spain has, in the Cases to which reference is now made, actually carried into effect the obligations contracted by Treaty ; that she has used all her efforts for the defence and protection of this property. But in what have these efforts consisted ? These were not Cases of Vessels seized by sudden violence and carried away beyond her jurisdiction, before the Officers, appointed for the execution of her Laws, could be apprized of the wrong, and summoned

to the performance of their duties; they are not Cases of clandestine depredations, eluding the vigilance of the Magistrates:—they are Cases of friendly Merchants and Navigators frequenting the Ports of Spain, upon the faith of Treaties, and for the purpose of a mutual beneficial intercourse, seized, some of them in the very Harbors of Spain, by Foreign Cruizers, dragged on Spanish ground before a Foreign Consul, and there plundered of their property, before the face of all the lawful Authorities of Spain; who neither raise a voice nor lift an arm for their defence. What then have been all the efforts of Spain for the protection of this property, conformable to the Treaty?

You say;—2ndly. That Spain was not responsible for these depredations, because they were made by a Nation with which The United States were not at War; and this you say immediately after quoting the words of the VIth Article of the Treaty, expressly stipulating protection and defence in the Ports of Spain to the Vessels and other effects of Citizens of The United States, “whether they are at War, or not, with the Power whose Subjects have taken possession of the said effects.”

You observe;—3rdly. That France and Spain were then Allies, in a War against England; and that Spain *could not prevent* the Privateers of her Ally from entering her Ports. But it is not that the French Privateers were allowed to enter the Ports of Spain, of which the United States complain, but that they were suffered to make Prizes, and the French Consuls to condemn them, within the Territorial jurisdiction of Spain. You refer to the Decision of a Subordinate British Court of Admiralty, that the Prizes of a Belligerent may be carried into the Ports of an Ally, and there lawfully condemned; but surely you do not mean to contend, that the Decisions of an Admiralty Court of one Nation constitute the Law of Nations, or can even be adduced as authority for others. Of this principle at least, there can be no doubt,—that an Alliance between 2 Nations cannot absolve either of them from the obligations of previous Treaties. Now the Treaty between Spain and The United States, by which Spain was bound to protect the property of American Citizens within her jurisdiction, was concluded before the Alliance between Spain and France had been contracted; and the Alliance could in no wise impair the rights of the Citizens of The United States to the protection of their property, stipulated in their favor by the antecedent engagement of Spain.

Your 4th, and last expedient, for relieving Spain from responsibility for these losses and injuries, suffered by American Citizens upon her Territory, is the positive assertion, that satisfaction has already been made for them by France: your only voucher for which is the Letter of 27th July, 1804, from M. Talleyrand to Admiral Gravina. The assertions of that Letter I have shown, by reference to indisputable Documents, are utterly without foundation.

{ Your subsequent offer, of the good offices of your Government, near that of the present Court of France, to obtain Indemnities for American Citizens for French depredations committed within Spanish jurisdiction, by virtue of an Alliance between Spain and Napoleon, you doubtless did not expect to be accepted. It is to Spain alone, Sir, that The United States still look, and will continue to look, as they always have looked, for those Indemnities, for which Spain alone is responsible to them. I am instructed to renew to you the Declaration, repeatedly made by the Minister of The United States to your Government at Aranjuez, in 1805, that no satisfactory arrangement can be made of the differences between the 2 Countries, which shall not include the adjustment of these injuries.

Before bringing this reply to your 4 successive Notes to a close, it is necessary to advert to several incidental assertions and remarks, which you have made in relation to the Negotiation at Aranjuez, equally destitute of foundation, with the claims and pretensions to which this Letter has already replied.

In your Note of the 29th December, you affirm, that the Negotiation at Aranjuez was "early interrupted;" and in that of the 24th January, to confirm the assertion, that if all the differences between the 2 Countries have not long since been adjusted, it has not depended upon the Government of Spain, you say that this is "evident, beyond the possibility of denial, from the Official Correspondence between His Catholic Majesty's Minister of State and the Plenipotentiaries of the American Government who *suspended* and *gave up* the Negotiation at Aranjuez, after having obstinately refused to accept the modifications founded on strict justice, which were proposed by the Spanish Government."

The Negotiation of the Special Mission of The United States at Aranjuez, in 1805, occupied a period of nearly 5 months, from the beginning of January, when Mr. Monroe arrived at Madrid, to the 22nd of May, when he took leave of the King, to return to London. In his address to the King on that occasion, he said "on my arrival here, I had the honor to assure your Majesty, of the high consideration of my Government for your Majesty's Person and Government. I then hoped to have had the honor to conclude the Special Mission with which I was charged in conjunction with the Minister Plenipotentiary near your Majesty, to the advantage and satisfaction of both Parties; but being disappointed in this respect, *all our Propositions having been rejected, and none others ever offered on the part of your Majesty's Government, though often invited*, it is my duty to return to my Station at London."

This assertion made to the King of Spain in person, at the close of that Mission, was fully warranted by the transactions under it. Every one of the topics, now included in your 4 Notes, as embracing all the

subjects of difference between the 2 Countries, were discussed at great length, much in the same manner which you have now insisted upon repeating. The questions of Indemnities for Spoliations, Spanish and French, and for the suppression of the Deposite at New Orleans, of the Eastern and of the Western Boundary of Louisiana, were discarded upon with a pertinacity as indefatigable by Don Pedro Cevallos as by yourself. He bestowed as many pages upon the terms *retrocede* and *retrocession* as you have done. He appealed with equal confidence and alacrity to the opinions, and cited with equal complacency the Testimonials of the Ministers of Napoleon, and reminded Messrs. Monroe and Pinckney, with a satisfaction not inferior to your own, of the "very pointed" manner in which the French Minister of Foreign Relations, M. Talleyrand, in announcing the sentiments of His Imperial Majesty, observed, that "to *make known* the rights which France had acquired, was to indicate the *extent* and the *limits* of those which she transmitted to the Federal Government." To every thing that had the semblance of reason and argument, adduced in the successive Notes of M. Cevallos, the American Ministers temperately and patiently replied; they unfolded, with a clearness and precision to which nothing can now be added, the Claims of The United States, and the facts and principles by which they were supported. They proposed, at the commencement of the Negotiation, a Project of a Convention for the adjustment of all the interests in dispute. After all the subjects had been thoroughly discussed, they presented a Second Project, modified in the most conciliatory spirit of accommodation to Spain. They invited, and reiterated, almost to importunity, the invitation to a Counter-project, or Proposals on the part of the Spanish Government. These unwearied efforts were met by a constant, invariable, inflexible refusal, either to accept their proposals, or make to them any whatsoever in return.

You speak of the *Titles, Dates, Documents, and Arguments*, produced on the "part of Spain, at that Negotiation, incontestably proving, by abundant and irresistible evidence, the rights of the Spanish Monarchy to the Territory in question."

If such had been the facts, where would be the pretence that the American Ministers had prematurely suspended or given up the Negotiation? But M. Cevallos produces no such Titles, Dates or Documents; the only *Title* ever alleged by him in support of the pretensions of Spain was the Title of *Retrocession*, applied to the Treaty of St. Ildephonso; the only date was that of 1690, which he assigned as the period of the first Spanish Settlement of Texas, which date was 5 years later than the Settlement of La Salle, at the head of the Bay of St. Bernard; and the only Documents were the dictatorial and menacing Testimonials of the French Minister of Foreign Relations. That all the Titles, Dates and Documents then referred to, were in-

sufficient in the estimation of your own Government to establish the rights which you have claimed, is manifest from the efforts which you have made to bring forward others, and from the character of those to which you have resorted, an unknown, and as it is believed, imaginary, Treaty of 1764, and a Royal exterminating Order of Philip the 11th.

You perceive, Sir, that the Government of The United States is not prepared, either to renounce any of the Claims which it has been so long urging upon the justice of Spain, or to acquiesce in any of those arguments which appear to you so luminous and irresistible.

Determined to pursue the establishment of their rights, as long as by any possibility they can be pursued through the paths of *Peace*, they have acquiesced, as the Message of the President, at the commencement of the present Session of Congress, has informed you, in that policy of Spain, which has hitherto procrastinated the amicable adjustment of these interests, not from an insensibility to their importance to this Union, nor from any indifference to the object of being upon cordial terms of harmony with Spain; but because peace is among the dearest and most earnest objects of their policy; and because they have considered, and still consider it, more congenial to the principles of humanity, and to the permanent welfare of both Nations, to wait for the favorable operation of time upon the prejudices and passions opposed to them, than to resort to the unnecessary agency of force. After a lapse of 13 years of patient forbearance, in waiting for the moment when Spain should find it expedient to meet their constant desire of bringing to a happy and harmonious termination all the conflicting interests between them, it will need little additional effort to wait somewhat longer with the same expectation. The President deems this course even more advisable, than that of referring the questions depending between the 2 Nations to the arbitrament or mediation of one or more friendly European Powers, as you have been authorized to propose. The statement in your Note of the 10th of February, in reference to this subject, is not altogether correct. It is not the British Government which, on this occasion, has offered; but your Government which, without first consulting or asking the concurrence of The United States, has requested the mediation of Great Britain. The British Government, as must be well known to you, have declined the offer of their mediation, unless it should be requested by both Parties; and have communicated to the Government of The United States this overture, on the part of Spain. The President has thought proper, from motives which he has no doubt will be deemed satisfactory both to Great Britain and Spain, to decline uniting in this request. He is indeed, fully persuaded, that, notwithstanding any prepossessions, which the British Government may have heretofore entertained with regard to any of the points in controversy, they would have been entirely discarded in assuming the office of a Medi-

ator. But it has hitherto been the policy, both of Europe and of The United States, to keep aloof from the general Federative System of each other. The European States are combined together, and connected with one another by a multitude of important interests and relations, with which The United States have no concern, with which they have always manifested the determination not to interfere, and of which, no communication being made to them by the Governments of Europe, they have not information, competent to enable them to estimate their extent and bearings. The United States, in justice to themselves, in justice to that harmony which they earnestly desire to cultivate with all the Powers of Europe, in justice to that fundamental system of policy, which forbids them from entering the labyrinth of European politics, must decline soliciting or acceding to the interference of any other Government of Europe, for the settlement of their differences with Spain.

But however discouraging the tenor and character of your recent Notes has been to the hopes, which the promises and professions of your Government had excited, that the time for adjustment of these differences with Spain, herself, had at length arrived, The United States will not abandon the expectation, that more correct views of the subject will ultimately be suggested to your Government; and they will always be disposed to meet them in the spirit of justice and amity. With regard to those parts of the Province of Louisiana, which have been incorporated within the State of that name, it is time that the discussion should cease. Forming part of the Territory of a Sovereign and independent State of this Union, to dispose of them is not within the competency of the Executive Government of The United States, nor will the discussion be hereafter continued. But if you have Proposals to make, to which it is possible for the Government of The United States to listen, with a prospect of bringing them to any practicable conclusion, I am authorized to receive them, and to conclude with you a Treaty for the adjustment of all the differences between the 2 Nations, upon terms which may be satisfactory to both.

With regard to the motives for the occupation of Amelia Island, the Messages from the President of The United States to Congress, and my Letter to you of 16th January, have given the explanations which, it is presumed, will be satisfactory to your Government. The exposed and feeble situation of that Island, as well as of the remainder of East Florida, with their local position in the neighborhood of The United States, have always been among the primary inducements of The United States, for urging to Spain the expediency to the interests of both Nations, that Spain should cede them for a just and suitable equivalent to The United States. In the Letter of the 28th of January, 1805, from Messrs, Pinckney and Monroe to M. Cevallos, the following passage stands prominent among the arguments used by them to

that effect. "Should Spain," say they, "not place a strong Force in Florida, it will not escape your Excellency's attention, that it will be much exposed to the danger of being taken possession of by some other Power, who might wish to hold it with very different views towards Spain, than those which animate the Government of The United States. Without a strong Force being there, it might even become an asylum for Adventurers and Freebooters, to the great annoyance of both Nations."

You know, Sir, how far the events, thus anticipated, and pointed out so early as in January, 1805, to the prudent forecast of Spain, have been realized. Pensacola has been occupied by another Power, for the purpose of carrying on War from it against The United States, and Amelia Island has been occupied by Adventurers, to the great annoyance of both Nations, and of all others engaged in lawful Commerce upon the Gulf of Mexico. Before these events occurred, the Congress of The United States, aware of the great and growing danger of them, which had been so long before distinctly foreseen, had made it the duty of the Executive Government, in the case of such a contingency, to take the temporary possession of the Country which might be necessary, to avert the injuries that must result from it. Amelia Island was taken, not from the possession of Spain, but of those from whom she had been equally incapable of keeping or of recovering its possession, and who were using it for purposes incompatible with the Laws of Nations and of The United States. No purpose, either of taking or of retaining it as a conquest from Spain, has ever been entertained; and unless ceded by Spain to The United States, it will be restored whenever the danger of its being again thus occupied and misused shall have ceased.

It is needless to add, that the Proposal that The United States should take any further measures than those already provided by Law for preventing armaments hostile to Spain within the Territories of The United States, is inadmissible. The measures already taken, and the Laws already existing against all hostile armaments within our jurisdiction, incompatible with the obligations of Neutrality, are sufficient for its preservation; and the necessary means will continue to be used, as they have been, to carry them faithfully into execution.

I have the honor to be, &c.

H. E. Don Luis de Onis.

JOHN QUINCY ADAMS.

(Enclosure 1.)—Don Martin D'Alarconne to M. de la Harpe.

(Translation.)

MONSIEUR,

Trinity River, 20th May, 1719.

I AM very sensible of the politeness that M. de Bienville and yourself have had the goodness to show to me. The orders I have received from the King, my Master, are to maintain a good under-

standing with the French of Louisiana; my own inclinations lead me equally to afford them all the services that depend upon me. But I am compelled to say, that your arrival at the Nassonite Village, surprises me very much.

Your Governor could not be ignorant that the Post you occupy belongs to my Government, and that all the lands West of the Nassonites depend upon New Mexico.

I counsel you to give advice of this to M. Bienville, or you will force me to oblige you to abandon lands that the French have no right to occupy.

I have the honor to be, &c.

M. de la Harpe.

D'ALARCONNE.

(*Enclosure 2.*)—*Monsieur de la Harpe to Don Martin D'Alarconne.*

MONSIEUR,

(Translation.) *Nassonite, 8th July, 1719.*

THE order from His Catholic Majesty to maintain a good understanding with the French of Louisiana, and the kind intentions you have yourself expressed towards them, accord but little with your proceedings. Permit me to inform you, that M. de Bienville is perfectly informed of the Limits of his Government, and is very certain that the Post of Nassonite depends not upon the Dominions of His Catholic Majesty. He knows also that the Province of Lastekas of which you say you are Governor, is a part of Louisiana. M. de la Salle took possession in 1685, in the name of His Most Christian Majesty; and since the above epoch, possession has been renewed from time to time.

Respecting the Post of Nassonite, I cannot comprehend by what right you pretend that it forms a part of New Mexico. I beg leave to represent to you, that Don Antoine du Miroir, who discovered New Mexico in 1683, never penetrated East of that Province or the Rio Bravo. It was the French who first made alliances with the Savage Tribes in this Region; and it is natural to conclude, that a river that flows into the Mississippi, and the lands it waters, belong to the King, my Master.

If you will do me the pleasure to come into this Quarter, I will convince you I hold a Post I know how to defend.

I have the honor, &c.

Don M. D'Alarconne.

DE LA HARPE.

(*Enclosure 3.*)—*Order of the French Commandant General of Louisiana.*

(Translation.)

ON the 10th of August, 1721, M. de la Harpe received the following Order:

Jean Baptiste de Bienville, Chevalier of the Military Order of St. Louis and Commandant General for the King in the Province of Louisiana:

It is hereby decreed, that M. de la Harpe, Commandant of the Bay of St. Bernard, shall embark in the Packet the *Subtile*, commanded by Beranger, with a detachment of 20 Soldiers, under M. de la Belile, and shall proceed forthwith to the Bay of St. Bernard, belonging to this Province, and take possession in the name of the King; and the West Company shall plant the Arms of the King in the ground and build a Fort upon whatever spot appears most advantageous for the defence of the Place.

If the Spaniards, or any other Nation, have taken possession, M. de la Harpe will signify to them, that they have no right to the Country; it being well known that possession was taken in 1685 by M. de la Salle, in the name of the King of France, &c.

M. de la Harpe.

J. P. DE BIENVILLE.

(*Enclosure 4.*)—*Extracts, translated from the "Diccionario Geographico Historico de las Indias Occidentales ó America," by Colonel Don Antonio de Alcedo, Captain of the Royal Spanish Guards. Printed at Madrid in 1786—1789, by permission of the Government, and dedicated to the Prince of Asturias, afterwards Charles the IVth.*

"LOUISIANA," a Province and Government of North America, one of the 2, which form New France, bounded on the South by the Gulf of Mexico; on the North by the River Illinois and the Indian Tribes of the Pamasus, Paoducas, Osages, Tronontes, Tecagas, Chavanons and others; on the East by West Florida, Georgia and Carolina; and on the West by New Mexico and New Spain. Its extent from North to South, is about 15 degrees; that is to say, from the 25th to the 40th degree of North Latitude, and from East to West 10 or 11 degrees between 86 and 96 West Longitude; its Limits however not being precisely fixed, M. De Lisle gives it a much greater extent, particularly towards the North, where it borders on Canada; and according to him, it is afterwards bounded by New York, Pennsylvania, Virginia, &c. and to the West by the Rivers Bravo and Salado."

"*Missouri*," an Indian Tribe of the Province and Government of Louisiana, inhabiting the banks of the River of the same name, on which a Fort was built by the French for the defence of that Establishment."

"*Natchitoches*, or *Natihetoches*," as pronounced by some, a Tribe of Indians of the Province and Government of Louisiana in North America, living 50 leagues up the Red River, by which name they are sometimes called. This Tribe has always been friendly to the French, and hostile to the Spaniards; is very numerous, and has upwards of 200 Cabins. The French Soldiers who had completed their time of service, settled in an Island in the Red River, where they built a Fort,

and called it Natchitoches; but having planted tobacco, and discovered that the sand blown on it by the wind gave it a bad quality, they removed their Settlement to the main land, where they succeeded in cultivating that plant, so as to give it a particular estimation: it is 60 leagues from New Orleans."

"*Rouge*," Red River, a large and rapid River of the Province and Government of Louisiana, in North America; takes its rise about the Tribe of the Cannesis, runs South East, and after receiving other streams, changes its course to the South, as far as the Tribe and Fort of Natchitoches, where it again turns to the South East, forms several Lakes and Islands, and thence running Eastward, joins the Mississippi much increased, near where the River empties into the sea."

(Enclosure 5.)—*Extract from a Paper communicated by Messrs. Pinckney and Monroe to Don Pedro Cevallos.*

Aranjuez, 12th May, 1805.

From the 1st of October, 1796, until — — — there were brought into the Ports of His Catholic Majesty in Europe and Africa, by the French, 168 Vessels.

Of the above have been	74
Condemned.....	
Acquitted, ransomed, or compromised ...	23
Cases of violation of the Spanish Territory, condemned.....	13
Run ashore and lost	1
Unaccounted for	7
Result not known	50
<hr/>	
Total.	168

Statement of the facts relative to American Vessels taken by French Privateers, and condemned in Spanish Ports, obtained from the most authentic sources:

Of the French spoliations, there have been 50 appeals from the Consular Judgments in Spain to the Council of Prizes at Paris, of which 30 have been released, 9 condemned, and 12 are yet depending. Not one *sous* has been paid in any Case, nor is there a single Case of such spoliations on the list of liquidations now at the French Treasury, which are to participate of the 20,000,000 of livres, to be paid by The United States to their Citizens, under the Treaty of 1803, on account of French spoliations.

The American Minister never did demand payment of French spoliations made in Spain, knowing them as such, nor did the American Agent ever demand it by his order or knowledge. The first intelligence which the American Government had, of Appeals being per-

mitted from the French Consular Tribunals in Spain, to the Council of Prizes in France, was received from Spain herself.

As soon as it was received, the Secretary of State wrote to the American Minister in Paris, to know what the fact was, and instructed him, at the same time, to prohibit the Agent from acting in such Cases, it having been, at all times, the opinion of the Government that Spain alone was answerable, of whom only has the recompense been demanded.

ACT of the British Parliament, "to prevent Aliens until the 25th day of March, 1819, from becoming naturalized, or being made or becoming Denizens, except in certain cases."*

[59 Geo. III. Cap. 97.]

[10th June, 1818.]

WHEREAS it is expedient that, for a time to be limited, Aliens should not be or become naturalized, or be made or become Denizens, except as herein-after is provided; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, until the 25th day of March 1819, no Alien shall become a naturalized Subject, or be made or become Denizen, or become entitled to the privileges of a naturalized Subject or Denizen, in any other manner or by any other authority than by any Act which may hereafter be passed by the Parliament of the United Kingdom of Great Britain and Ireland, or by Letters of Denization hereafter to be granted by His Majesty, his Heirs and Successors, any Law, custom, or usage to the contrary notwithstanding: provided always, that nothing herein contained shall extend or be construed to extend to affect in any manner such right to naturalization or to denization as any Person, in case this Act had not been passed, might acquire or would have acquired by virtue of any Act or Acts of Parliament made for encouraging Seamen to enter into His Majesty's Service, or for naturalizing such Foreign Protestants as shall settle in any of His Majesty's Colonies in America, or for naturalizing such Foreign Protestants as shall have served or shall serve in His Majesty's Forces, or for the encouragement of the Fisheries.

* See Vol. 1823, 1824. Page 265.

An Account of the Ordinary Revenues and Extraordinary Resources

HEADS OF REVENUE. (United Kingdom.)	BALANCES.				Bills arising out of the Revenue, 1816, but which not becoming due until after the 5th January, 1817, are carried to account of the latter year.	G Re with		
	Balances	Balances in the						
	in the Hands	Hands of Re-						
	of Collectors, on the 5th January, 1817.	ceivers General, on the 5th January, 1817.						
ORDINARY REVENUES.	£	s.	d.	£	s.	d.	£	
CUSTOMS, including Annual Duties, and the War Duties made perpetual by Act 56 Geo. III. cap. 29	110,028	11	0	17,694	17	3½	388,466 8 5½	15,866,67
EXCISE, including Annual Duties, and the War Duties, continued by Act 56 Geo. III. cap. 17, for 5 years	78,469	0	10	456,680	0	3½	381,236 4 0	24,713,72
LAND and ASSESSED TAXES, including the Assessed Taxes of Ireland								8,345,76
STAMPS	156,255	7	5	37,471	16	11½	56,055 1 7	7,270,72
POST OFFICE	151,613	16	8½	12,641	1	2	59,449 6 3	2,093,02
ONE SHILLING in the Pound on Pensions and Salaries				1,871	8	10½	-	18,05
SIX-PENCE in the Pound on Pensions and Salaries				2,893	13	5½	-	9,44
HACKNEY COACHES				343	6	10½	-	28,97
HAWKERS and PEDLARS				1,526	10	0½	-	23,94
POUNDADE FEES (Ireland)							-	4,36
PELLS FEES (do.)							-	87
CASUALTIES (do.)							-	2,87
SMALL BRANCHES of the KING's Hereditary Revenue				29,625	3	4½	-	120,00
TOTAL OF ORDINARY REVENUES	£ 496,366	15	11½	560,747	18	3½	885,207 0 3½	58,508,44
EXTRAORDINARY RESOURCES.								
PROPERTY TAX and INCOME DUTY (Arrears)				479,529	12	7	-	2,089,12
LOTTERY, Net Profit							-	215,72
UNCLAIMED Dividends, &c. paid into the Exchequer, by the Chief Cashier of the Bank of England							-	236,28
SURPLUS FEES of Regulated Public Offices							-	27,42
VOLUNTARY Contributions							-	5,00
On ACCOUNT of the Commissioners, appointed by Acts 35 Geo. III. cap. 127, and 37 Geo. III. cap. 27, for issuing Exchequer Bills for Grenada, and for Commercial Exchequer Bills, by Act 51 Geo. III. cap. 15							-	3,48
FROM several County Treasurers in Ireland, on account of Advances made by the Treasury for improving Post Roads, on account of Advances for building Gaols, and under the Police Act of 54 Geo. III. (Ireland)				2,414	1	0½	-	6,429
MONIES paid on account of Balance due by Ireland, on joint Expenditure of the United Kingdom							-	117,228
FROM the Paymaster General of Great Britain, on account of Advances made by Ireland for Half Pay to Reduced Officers, Pensions to Officers' Widows, &c. on the British Establishment							-	9,130
FROM the Receiver General of Navy Payments in Ireland, in repayment of Money advanced by the Government of Ireland for Naval Services							-	47,458
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public							-	356,680
TOTAL PUBLIC INCOME of the United Kingdom	£ 498,780	16	11½	1,040,277	10	10½	885,207 0 3½	61,682,831
ADD, Appropriated Duties for Local Objects in Ireland				1,750	5	8	636 14 2	53,512
TOTAL, including the Irish Appropriated Duties	£ 500,531	2	7½	1,040,277	10	10½	885,843 14 5½	61,736,344

Income of GREAT BRITAIN and IRELAND, for the year ended 5th January, 1818.

Rate Per- Centum for which the Gross Revenue was collected.	Drawbacks, Discounts, Charges of Management, &c. Paid out of the Gross Revenue.				Net Produce applicable to National Objects, and to Payments into the Exchequer.	Rate Per Centum for which the Net Produce of the Revenue was collected.
	Repayments, Allowances, Discounts, Drawbacks, & Bounties of the nature of Draw- backs: Allow- ances to the Two Universi- ties on account of Almanacks, and for Paper and Parchment to stamp on.	Irish Packet Establish- ment, with £9,000 per Annum allowed to Ireland in lieu of Packet Postage; also, Irish Postage received in Great Britain.	Charges of Management.	Total Payments out of the Gross Revenue.		
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
10 1 2½	2,078,116 10 2½	- -	1,806,150 1 11	3,008,275 12 1½	12,713,587 10 7	18 1 8½
{ 5 17 1½	1,671,718 3 9½	- -	1,447,272 7 5½	3,118,900 11 3½	30,402,084 0 11	{ 6 14 0½
{ 4 7 ¾	- -	- -	364,192 11 9½	364,192 11 9½		{ 4 11 3
3 0 9½	197,001 19 5½	- -	221,047 5 4½	418,789 4 10	7,101,766 11 8½	3 4 6½
30 14 0½	- -	20,218 4 0	642,569 5 10½	671,807 9 10½	1,644,925 7 5½	45 4 8½
2 1 11½	- -	- -	379 10 10	379 10 10	19,550 13 5½	2 2 10½
2 9 4½	400 0 0	- -	238 5 4	633 5 4	11,700 10 10½	2 12 10½
13 4 6½	- -	- -	3,882 11 1½	3,882 11 1½	25,491 13 8	15 4 10½
15 6 11½	- -	- -	3,675 1 0½	3,675 1 0½	21,796 13 5½	18 2 7½
- -	- -	- -	- -	- -	4,367 12 9½	- -
- -	- -	- -	- -	- -	573 10 7½	- -
- -	- -	- -	- -	- -	2,877 3 5½	- -
8 1 11½	- -	- -	4,027 7 8½	4,027 7 8½	155,608 8 2½	3 8 11½
7 6 5	3,942,926 13 5½	20,218 4 0	4,283,406 8 1½	8,256,538 5 6½	52,196,214 11 9	8 10 5½
- -	- -	- -	40,244 0 5½	40,244 0 5½	2,519,409 19 10½	- -
- -	- -	- -	19,040 0 0	19,040 0 0	196,689 5 0	- -
- -	- -	- -	- -	- -	286,286 8 8	- -
- -	- -	- -	- -	- -	27,422 12 8	- -
- -	- -	- -	- -	- -	5,000 0 0	- -
- -	- -	- -	- -	- -	3,484 10 11	- -
- -	- -	- -	- -	- -	69,243 13 7½	- -
- -	- -	- -	- -	- -	117,228 0 10	- -
- -	- -	- -	- -	- -	9,180 7 0	- -
- -	- -	- -	- -	- -	47,468 4 2½	- -
- -	- -	- -	- -	- -	356,690 9 5½	- -
- -	3,942,926 13 5½	20,218 4 0	4,361,692 8 6½	8,323,837 6 0	55,783,269 18 6½	- -
- -	2,126 2 11	- -	144 6 0	2,270 8 11	53,628 16 9½	- -
- -	3,945,052 16 4½	20,218 4 0	4,361,836 14 6½	8,326,107 14 11	55,806,868 15 4½	- -

(Continued.)

An Account (*continued*) of the Ordinary Revenues and Extraordinary Resources

HEADS OF REVENUE. (UNITED KINGDOM.)	Payments out of the Ne			
	Militia and Deserters Warrants : Defence of the Realm ; and other Services.	Bounties for promoting Fisheries, Linen Manufactures, &c.	Pensions out of the Heredi- tary Revenue, and perpetual Pensions and Stipends charged on the Land Revenue.	Expe- incur- improvi- Mae- Wo- Forest Land Re- includ- ments : Commis- sioners for ting the 53 Geo. cap.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£.
CUSTOMS, including Annual Duties, and the War Duties made perpetual by Act 56 Geo. III., cap. 29. -	167,045 9 10	272,866 1 9½	- -	-
EXCISE, including Annual Duties, and the War Duties, continued by Act 56 Geo. III., cap. 17, for 5 years -	9,717 16 8	51,945 11 9½	14,000 0 0	-
LAND AND ASSESSED TAXES, including the Assessed Taxes of Ireland -	94,444 6 1	- -	- -	-
STAMPS -	- -	- -	- -	-
POST OFFICE -	- -	- -	13,700 0 0	-
ONE SHILLING in the Pound on Pensions and Salaries -	- -	- -	- -	-
SIX-PENCE in the Pound on Pensions and Salaries -	- -	- -	- -	-
HACKNEY COACHES -	- -	- -	- -	-
HAWKERS and PEDLARS -	- -	- -	- -	-
POUNDA GE FEES (Ireland) -	- -	- -	- -	-
FELLS FEES (do.) -	- -	- -	- -	-
CASUALTIES (do.) -	- -	- -	- -	-
SMALL BRANCHES of the KING's Heredi- tary Revenue -	- -	- -	10,045 7 2½	95,051
TOTAL OF ORDINARY REVENUES £	271,207 12 7	324,811 13 7½	37,745 7 2½	95,051
EXTRAORDINARY RESOURCES.				
PROPERTY TAX and INCOME DUTY (Arrears) -	- -	- -	- -	-
LOTTERY, Net Profit -	- -	- -	- -	-
UNCLAIMED Dividends, &c. paid into the Exchequer, by the Chief Cashier of the Bank of Eng- SURPLUS Fees of regulated Public Offices -	- -	- -	- -	-
VOLUNTARY Contributions -	- -	- -	- -	-
ON ACCOUNT of the Commissioners, appointed by Acts 35 Geo. III., cap. 127, and 37 Geo. III., 27, for issuing Exchequer Bills for Grenada, and for Commercial Exchequer Bills, by Act 51, III., cap. 15 -	- -	- -	- -	-
FROM several County Treasurers in Ireland, on account of Advances made by the Treasury for proving Post Roads, on account of Advances for building Gaols, and under the Police Act Geo. III., (Ireland) -	- -	- -	- -	-
MONIES paid on account of Balance due by Ireland, on joint Expenditure of the United King- dom from the Paymaster General of Great Britain, on account of Advances made by Ireland for Pay to reduced Officers, Pensions to Officer's Widows, &c. on the British Establishment FROM the Receiver General of Navy Payments in Ireland, in repayment of Money advanced the Government of Ireland, for Naval Services -	- -	- -	- -	-
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public -	- -	- -	- -	-
TOTAL PUBLIC INCOME of the United Kingdom -	£ 271,207 12 7	324,811 13 7½	37,745 7 2½	95,051 2
ADD. Appropriated Duties for Local Objects in Ireland -	- -	- -	- -	-
TOTAL, including the Irish Appropriated Duties £	271,207 12 7	324,811 13 7½	37,745 7 2½	95,051 2

NOTE.

The Appropriated Balance in the Exchequers of the United Kingdom, on
The Unappropriated Balance in the Exchequers of the United Kingdom, on
The Appropriated Balance in the Exchequers of the United Kingdom, on
The Unappropriated Balance in the Exchequers of the United Kingdom, on

The Amount of Exchequer Bills, Navy Bills, and Transport Bills, In Excl-
issued for the Public Service of the United Kingdom, between - Treas-
the 5th January, 1817, and the 5th January, 1818, and not re- - Navy
deemed within that period, was - Vict-

Public Income of the United Kingdom of Great Britain and Ireland, for the Year ended the 5th Jan. 1818.

National Objects.			PAYMENTS into the EXCHEQUER.	BALANCES.			TOTAL DISCHARGE of the NET PRODUCE.
Service and Army Half Pay, Pay- ments by Arrears for Account of Great Britain.	MONIES Imprest in the Hands of different Persons.	TOTAL Payments out of the NET REVENUE.		BALANCES in the hands of Collectors on the 5th January, 1818.	BALANCES in the Hands of Receivers General, on the 5th Janu- ary, 1818.	BILLS arising out of the Revenue 1817, but which not becoming due until after the 5th January, 1818, are carried to Account of the latter Year.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
2,501 5 10	4,585 6 7	572,916 15 22	11,292,300 13 8	158,886 14 24	23,069 0 72	668,605 6 10	12,713,587 10 7
3,577 15 1	- -	240,439 7 2	21,483,312 19 5	82,675 12 9	476,134 6 34	375,215 10 04	30,492,684 0 11
- -	- -	94,444 6 1	7,740,461 19 24	180,392 15 52	41,411 6 112	59,742 14 44	7,101,766 11 84
- -	50 0 0	50 0 0	6,961,169 14 104	151,252 13 9	13,201 12 34	75,540 6 0	1,644,925 7 54
- -	- -	- -	13,912,330 15 42	- -	- -	- -	- -
- -	- -	- -	16,917 13 04	- -	2,633 0 5	- -	19,550 13 54
- -	- -	- -	9,411 3 54	- -	2,289 7 5	- -	11,700 10 104
- -	- -	- -	25,150 0 0	- -	331 13 3	- -	25,481 13 3
- -	- -	- -	19,740 0 0	- -	2,016 13 54	- -	21,756 13 54
- -	- -	- -	4,367 12 94	- -	- -	- -	4,367 12 94
- -	- -	- -	873 10 74	- -	- -	- -	873 10 74
- -	- -	- -	2,877 3 54	- -	- -	- -	2,877 3 54
- -	{ Hanaper } { 2,000 0 0 }	107,006 9 114	18,621 19 5	- -	29,684 13 10	- -	155,693 3 24
26,29 0 11	6,585 6 7	1,028,646 18 54	42,966,475 5 4	582,016 16 24	590,971 14 62	1,177,108 17 22	52,195,214 11 9
- -	- -	- -	2,262,286 13 44	- -	257,123 6 6	- -	2,519,409 19 104
- -	- -	- -	196,639 5 0	- -	- -	- -	196,639 5 0
- -	- -	- -	296,288 3 8	- -	- -	- -	296,288 3 8
- -	- -	- -	27,422 12 8	- -	- -	- -	27,422 12 8
- -	- -	- -	5,000 0 0	- -	- -	- -	5,000 0 0
- -	- -	- -	3,484 10 11	- -	- -	- -	3,484 10 11
- -	- -	- -	62,581 16 54	6,661 17 2	- -	- -	69,243 13 74
- -	- -	- -	117,228 0 10	- -	- -	- -	117,228 0 10
- -	- -	- -	9,130 7 0	- -	- -	- -	9,130 7 0
- -	- -	- -	47,458 4 24	- -	- -	- -	47,458 4 24
- -	- -	- -	356,690 9 54	- -	- -	- -	356,690 9 54
25,150 0 11	6,566 6 7	1,028,646 18 54	52,190,735 8 52	588,678 13 44	848,095 1 02	1,177,108 17 22	55,788,250 13 62
- -	- -	- -	50,152 0 8	2,844 10 42	- -	632 6 2	53,026 16 92
25,150 0 11	6,585 6 7	1,028,646 18 54	52,240,887 8 82	541,228 3 9	848,095 1 02	1,177,736 3 42	55,886,888 15 44

amounted to - - - £13,376,805 13 4 } £13,567,303 1 54
amounted to - - - 210,497 7 114 }

amounted to - - - 10,012,081 17 14 } 10,323,985 15 32
amounted to - - - 311,904 18 24 }

- - - 47,729,400 0 0
- - - 3,600,000 0 0
- - - 294,658 2 4
- - - 136,160 12 1

Whitehall, Treasury Chambers,
25th March, 1818.
S. R. LUSHINGTON.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS OF REVENUE. (GREAT BRITAIN.)	BALANCES.			GROSS RECEIPT.	
	Balances in the Hands of Collectors, on the 5th January, 1817.	Balances in the Hands of Receivers General on 5th January, 1817.	Bills arising out of the Revenue, 1816, remitted to the Receivers General in London, but which not becoming due until after the 5th January, 1817, are there- fore carried to account of the latter year.	Gross Receipt within the Year.	Total Sum to be accounted for.
ORDINARY REVENUES.					
CUSTOMS, including Annual Duties, and the War Duties made perpetual by Act 56 Geo. III. cap. 29 - - -	£ 95,278 1 6½	£ 17,694 17 3½	£ 328,274 3 5½	£ 13,759,817 9 1½	£ 14,201,064 11 5
EXCISE, including Annual Duties, and the War Duties continued by Act 56 Geo. III. cap. 17, for 5 years - - -	- - -	208,458 17 6½	314,000 0 0	22,680,861 8 5	23,198,330 5 11½
STAMPS - - -	142,571 8 6	37,430 0 1½	34,512 13 0	6,682,521 9 3½	6,907,335 10 11
LAND AND ASSESSED TAXES - - -	- - -	253,221 2 9	- - -	7,821,037 11 3½	8,074,258 14 0½
POST OFFICE - - -	144,004 9 5½	12,074 16 0	59,449 6 3	1,914,467 0 8	2,129,995 12 4½
ONE SHILLING in the Pound on Pensions and Salaries - - -	- - -	1,371 8 10½	- - -	18,068 15 5	19,980 4 3½
SIX-PENCE in the Pound on Pensions and Salaries - - -	- - -	2,898 13 5½	- - -	9,440 2 9	12,333 16 2½
HACKNEY COACHES - - -	- - -	343 6 10½	- - -	23,970 17 6	29,814 4 4½
HAWKERS AND PEDLARS - - -	- - -	1,526 10 0½	- - -	23,945 4 6	25,471 14 6½
Small Branches of the Hereditary Revenue :-					
ALLEGATION FINES - - -	- - -	1,463 15 5	- - -	7,055 13 4	8,519 8 9
POST FINES - - -	- - -	7,082 2 4½	- - -	798 18 4½	7,879 0 9
SEIZURES - - -	- - -	- - -	- - -	9,447 15 1	9,447 15 1
COMPOSITIONS and Profits - - -	- - -	- - -	- - -	624 19 0	624 19 0
CROWN LANDS - - -	- - -	21,079 5 6½	- - -	112,080 1 4	133,159 6 10½
TOTAL					
OF ORDINARY REVENUES	£ 381,853 19 6½	£ 500,139 16 3½	£ 736,236 2 8½	£ 58,079,425 6 1	£ 54,757,655 4 7½
EXTRAORDINARY RESOURCES.					
PROPERTY TAX and INCOME DUTY (Arrears) - - -	- - -	479,529 12 7	- - -	2,089,124 7 8½	2,568,654 0 3½
LOTTERY (Net Profit) exclusive of one-third part of the Profit on the 3rd Lottery of 1816, remitted to Ireland - - -	- - -	- - -	- - -	189,958 8 4½	189,958 8 4½
UNCLAIMED Dividends, &c. paid into the Exchequer by the Chief Cashier of the Bank of England - - -	- - -	- - -	- - -	236,288 3 3	236,288 3 3
SURPLUS Fees of Regulated Public Offices - - -	- - -	- - -	- - -	27,422 12 8	27,422 12 8
VOLUNTARY contributions - - -	- - -	- - -	- - -	5,000 0 0	5,000 0 0
ON ACCOUNT of the Commissioners, appointed by Acts 35 Geo. III. cap. 127, and 37 Geo. III. cap. 27, for issuing Exchequer Bills for Grenada; and for Commercial Exchequer Bills, by Act 51 Geo. III. cap. 15 - - -	- - -	- - -	- - -	3,484 10 11	3,484 10 11
MONIES paid on account of Balance due by Ireland, on joint Expenditure of the United Kingdom - - -	- - -	- - -	- - -	117,328 0 10	117,328 0 10
FROM the Receiver General of Navy Payments in Ireland, in repayment of money advanced by the Government of Ireland for Naval Services - - -	- - -	- - -	- - -	47,458 4 2½	47,458 4 2½
IMPREST MONIES repaid by sundry Public Accountants, and other monies paid to the Public - - -	- - -	- - -	- - -	268,435 14 11½	268,435 14 11½
TOTAL PUBLIC INCOME OF GREAT BRITAIN	£ 381,853 19 6½	£ 1,039,669 8 10½	£ 736,236 2 8½	£ 56,063,425 8 11½	£ 58,221,585 0 1

the Public Income of GREAT BRITAIN, for the Year ended 5th January, 1818.

Rate per Centum for which the Gross Revenue was collected.	Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue.				Net Produce applicable to National Objects, and to Payments into the Exchequer.	Rate Per Centum for which the Net Produce of the Revenue was collected.
	Repayments, Allowances, & Bounties of the nature of Drawbacks; Allowances to the Two Universities on account of Almanacks, and for Paper and Parchment to stamp on.	Irish Packet Establishment, with £9,000 per annum allowed to Ireland in lieu of Packet Postage; also, Irish Postage, received in Great Britain, and placed to the Debit of this Kingdom.	Charges of Management.	Total Payments out of the Gross Revenue.		
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
8 19 0	1,994,194 8 0	- -	1,281,527 4 6½	3,225,721 12 6½	10,975,842 18 10½	11 13 9½
5 1 6	1,545,008 12 8½	- -	1,151,036 19 0½	2,796,045 11 9½	20,402,274 14 2½	5 15 9½
2 11 1	186,538 7 6	- -	170,838 7 9	357,526 15 3	6,549,308 15 8	2 13 11½
8 17 8½	- -	- -	808,798 0 11½	808,798 0 11½	7,770,465 13 1½	4 0 9½
27 6 8	- -	29,218 4 0	622,893 0 11	622,101 4 11	1,577,894 7 5½	88 7 7½
2 1 11½	- -	- -	879 10 10	879 10 10	19,550 13 5½	2 2 10½
2 9 4½	400 0 0	- -	283 5 4	683 5 4	11,700 10 10½	2 12 10½
13 4 6½	- -	- -	3,832 11 1½	3,832 11 1½	26,491 13 3	15 4 10½
15 6 11½	- -	- -	3,676 1 0½	3,676 1 0½	21,796 13 5½	18 2 7½
} 3 1 11½	- -	- -	1,147 8 0	1,147 8 0	7,572 0 9	} 3 8 11½
	- -	- -	87 2 3½	87 2 3½	7,797 18 5½	
	- -	- -	- -	- -	9,447 15 1	
	- -	- -	- -	- -	624 19 0	
			2,792 16 11½	2,792 16 11½	180,866 9 11	
6 7 9½	3,326,191 8 2½	29,218 4 0	3,392,306 8 10	7,247,736 1 0½	47,509,919 3 6½	7 8 0½
- -	- -	- -	49,244 0 5½	49,244 0 5½	2,519,409 19 10½	- -
- -	- -	- -	19,040 0 0	19,040 0 0	170,916 8 4½	- -
- -	- -	- -	- -	- -	236,288 3 3	- -
- -	- -	- -	- -	- -	27,422 12 8	- -
- -	- -	- -	- -	- -	5,000 0 0	- -
- -	- -	- -	- -	- -	3,484 10 11	- -
- -	- -	- -	- -	- -	117,228 0 10	- -
- -	- -	- -	- -	- -	47,458 4 2½	- -
- -	- -	- -	- -	- -	268,436 14 11½	- -
- -	3,326,191 8 2½	29,218 4 0	3,430,610 9 3½	7,316,020 1 6	50,806,564 18 7	- -

(Continued.)

An Account (continued) of the Ordinary Revenues and Extraordinary

HEADS of REVENUE. (GREAT BRITAIN.)	Payments out of the Net			
	Militia and Deserters Warrants; Defence of the Realm, and other Services.	Bounties for promoting Fisheries, Linen Manufactures, &c.	Pensions out of the Here- ditary Re- venue; and Perpetual Pensions and Stipends, charged on the Land Revenue.	Expenses incurred in securing improving Majesty's Woods, Forests, and Revenue, including Payment of the Commission for executing Act 53 Geo. c. 121.
	£. s. d.	£. s. d.	£. s. d.	£. s.
ORDINARY REVENUES.				
CUSTOMS, including Annual Duties, and the War Duties made perpetual by Act 56 Geo. III, cap. 29.	104,463 5 2	246,873 0 9	- -	- -
Excise, including Annual Duties, and the War Duties continued by Act 56 Geo. III, cap. 17, for 5 years	8,000 0 0	51,945 11 9	14,000 0 0	- -
STAMPS	94,444 6 1	- -	- -	- -
LAND and ASSESSED TAXES	- -	- -	13,700 0 0	- -
Post Office	- -	- -	- -	- -
ONE SHILLING in the Pound on Pensions and Salaries	- -	- -	- -	- -
SIX-PENCE in the Pound on Pensions and Salaries	- -	- -	- -	- -
HACKNEY COACHES	- -	- -	- -	- -
HAWKERS and PEDLARS	- -	- -	- -	- -
Small Branches of the Hereditary Revenue:-	- -	- -	- -	- -
ALIENATION FINES	- -	- -	- -	- -
POST FINES	- -	- -	- -	- -
SEIZURES	- -	- -	- -	- -
COMPOSITIONS and Proffers	- -	- -	- -	- -
CROWN LANDS	- -	- -	10,045 7 2	95,051 2
TOTAL				
OF ORDINARY REVENUES	£ 206,907 11 8	298,818 12 7	37,745 7 2	95,051 2
EXTRAORDINARY RESOURCES.				
PROPERTY TAX and INCOME DUTY (AFTER 1816)	- -	- -	- -	- -
LOTTERY (Net Profit) exclusive of one-third part of the profit on the Third Lottery of 1816, remitted to Ireland	- -	- -	- -	- -
UNCLAIMED Dividends, &c. paid into the Exchequer by the Chief Cashier of the Bank of England	- -	- -	- -	- -
SURPLUS Fees of Regulated Public Offices	- -	- -	- -	- -
VOLUNTARY Contributions	- -	- -	- -	- -
On Account of the Commissioners, appointed by Acts 35 Geo. III, cap. 127, and 37 Geo. III, cap. 27, for issuing Exchequer Bills for Grenada; and for Commercial Exchequer Bills, by Act 51 Geo. III, cap. 15.	- -	- -	- -	- -
MONIES paid on Account of Balance due by Ireland, on joint Expenditure of the United Kingdom	- -	- -	- -	- -
FROM the Receiver General of Navy Payments in Ireland, in repayment of money advanced by the Government of Ireland for Naval Services	- -	- -	- -	- -
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public	- -	- -	- -	- -
TOTAL PUBLIC INCOME OF GREAT BRITAIN	£ 206,907 11 8	298,818 12 7	37,745 7 2	95,051 2

NOTE.

The Appropriated Balance in the Exchequer,
The Unappropriated Balance in the Exchequer,
The Appropriated Balance in the Exchequer,
The Unappropriated Balance in the Exchequer,
The Amount of Exchequer Bills, Navy Bills,
issued for the Public Service, between the 5th
5th January, 1818, and not redeemed within the

stituting the Public Income of GREAT BRITAIN, for the Year ended the 5th of January, 1818.

National Objects.			BALANCES.				TOTAL DISCHARGE of the NET PRODUCE.
MONIES Imprest in the hands of different Persons.	TOTAL PAYMENTS out of the NET REVENUE.	PAYMENTS into the EXCHEQUER.	BALANCES in the Hands of Collectors on the 5th January, 1818.	BALANCES in the Hands of Receivers General, on the 5th January, 1818.	Bills arising out of the Revenue 1817, remitted to the Receivers General in London, but which not becoming due until after the 5th January, 1818, are therefore carried to account of the latter Year.		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
4,385 6 7	424,780 3 8½	9,807,900 12 1½	104,283 17 7	23,069 0 7½	615,329 4 9	10,975,342 18 10½	
- -	203,143 15 5	19,794,400 14 7	- -	97,230 4 2½	307,500 0 0	20,402,274 14 2½	
50 0 0	50 0 0	6,340,903 13 8	128,529 0 4	41,269 6 0	39,066 15 8	6,549,808 15 8	
- -	94,444 6 1	7,297,117 4 11½	- -	378,904 2 1	- -	7,770,465 13 1½	
- -	13,700 0 0	1,334,000 0 0	142,135 12 11	12,518 8 6½	75,540 6 0	1,577,894 7 5½	
- -	- -	16,917 13 0½	- -	2,633 0 5	- -	19,550 13 5½	
- -	- -	9,411 8 5½	- -	2,289 7 5	- -	11,700 10 10½	
- -	- -	26,150 0 0	- -	331 13 3	- -	26,481 13 3	
- -	- -	19,730 0 0	- -	2,016 13 5½	- -	21,746 13 5½	
{ Hanaper 2,000 0 0 }	2,000 0 0	2,562 12 0	- -	2,789 8 9	- -	7,372 0 9	
- -	- -	5,000 0 0	- -	2,791 18 5½	- -	7,791 18 5½	
- -	- -	9,447 15 1	- -	- -	- -	9,447 15 1	
- -	- -	624 19 0	- -	- -	- -	624 19 0	
- -	105,096 9 11½	966 13 4	- -	24,203 6 7½	- -	130,363 9 11	
6,385 6 7	843,194 15 2½	44,664,203 1 3½	374,948 10 10	590,148 9 10	1,037,426 6 5	47,509,919 3 6½	
- -	- -	2,262,286 13 4½	- -	267,123 6 6	- -	2,519,409 19 10½	
- -	- -	170,918 8 4½	- -	- -	- -	170,918 8 4½	
- -	- -	236,288 3 3	- -	- -	- -	236,288 3 3	
- -	- -	27,422 12 8	- -	- -	- -	27,422 12 8	
- -	- -	5,000 0 0	- -	- -	- -	5,000 0 0	
- -	- -	3,484 10 11	- -	- -	- -	3,484 10 11	
- -	- -	117,228 0 10	- -	- -	- -	117,228 0 10	
- -	- -	47,458 4 2½	- -	- -	- -	47,458 4 2½	
- -	- -	268,435 14 11½	- -	- -	- -	268,435 14 11½	
6,385 6 7	843,194 15 2½	47,802,725 9 9½	374,948 10 10	847,269 16 4	1,037,426 6 5	50,905,564 18 7	

amounted to - - - 213,367,849 9 5 }
amounted to - - - 20,420 2 11 } 213,388,269 12 4
amounted to - - - 9,985,559 0 4 }
amounted to - - - 21,448 12 6 } 10,017,007 12 10

{ In Exchequer Bills - 47,729,400 0 0
- Navy and Transport Bills - 294,658 2 4
- Victualling Bills - 188,160 12 1

Whitehall, Treasury Chambers,
25th March, 1818.
S. R. LUSHINGTON

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS OF REVENUE. — (IRELAND.)	BALANCES.			GROSS RECEIPT.		
	BALANCES in the Hands of Collectors, on the 5th January, 1817.	BALANCES in the Hands of Receivers- General, on the 5th January, 1817.	Bills deposited by the Receiver Ge- neral in the Bank of Ireland, to the Credit of the Teller of the Exchequer, but not due until after the 5th January, 1817.	GROSS RECEIPT within THE YEAR.	TOTAL SUM to be Accounted for.	
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
CUSTOMS - - -	14,760 9 5½	- - -	60,192 5 0½	2,106,855 16 10	2,181,798 11 3½	
EXCISE - - -	78,469 0 10	- - -	67,236 4 0	2,032,859 5 7	2,703,288 3 11½	
TAXES - - -	18,683 18 11	41 16 9½	21,542 8 7	524,723 13 6½	613,170 5 7½	
STAMPS - - -	7,609 7 2½	566 5 3	- - -	577,902 1 3½	186,787 4 11½	
POST OFFICE - - -	- - -	- - -	- - -	178,561 12 6½	4,367 12 9½	
POUNDRAGE FEES - - -	- - -	- - -	- - -	4,367 12 9½	673 10 7½	
PELLS FEES - - -	- - -	- - -	- - -	673 10 7½	2,877 3 5½	
CASUALTIES - - -	- - -	- - -	- - -	2,877 3 5½	2,877 3 5½	
TOTAL OF ORDINARY REVENUES.	114,512 16 5	608 1 11½	148,970 17 7½	5,429,020 16 8½	5,693,112 12 8½	
EXTRAORDINARY RESOURCES.						
Lottery, being One-third part of the Profit on the Third Lottery of 1816, remitted from Great Bri- tain - - -	- - -	- - -	- - -	25,770 16 7½	25,770 16 7½	
From several County Treas- urers, per the Receiver General, on account of Advances made by the Treasury for improving Post Roads in Ireland -	1,880 8 9½	- - -	- - -	32,149 16 2½	33,530 5 0	
From several County Treas- urers, per the Receiver General, on account of Advances made by the Treasury for building Gaols - - -	1,033 12 3	- - -	- - -	17,406 5 7½	18,499 17 10½	
From several County Treas- urers, per the Receiver General, on account of Advances made by the Treasury under the Police Act of 54 Geo. III. -	- - -	- - -	- - -	17,213 10 8½	17,213 10 8½	
From the Paymaster Gen- eral of Great Britain, on account of Advances for Half-pay to reduced Offi- cers, Pensions to Officers Widows, &c. on the Brit- ish Establishment -	- - -	- - -	- - -	9,130 7 0	9,130 7 0	
Other Monies paid to the Public - - -	- - -	- - -	- - -	88,254 14 6	88,254 14 6	
TOTAL PUBLIC INCOME OF IRELAND	116,926 17 5½	608 1 11½	148,970 17 7½	5,619,006 7 5½	5,885,512 4 5½	
APPROPRIATED DUTIES for Local Objects.						
LINEN Manufactures -	0 18 5½	- - -	- - -	124 12 5½	125 10 11	
IMPROVEMENT of Dublin -	1 17 2	- - -	- - -	12,165 19 3	12,167 16 5	
REPAIRS of the Royal Ex- change and Commercial Buildings - - -	6 11 8½	- - -	- - -	1,632 9 2½	1,639 0 11	
LAGAN Navigation - - -	1,168 6 9½	- - -	- - -	4,607 16 1	5,776 2 10½	
INNS of Court - - -	- - -	- - -	- - -	1,998 0 0	1,998 0 0	
LIGHT-HOUSES - - -	499 1 10½	- - -	566 16 2	22,598 15 6½	23,664 13 7	
DUNLEARY Harbour - - -	55 12 8	- - -	- - -	8,812 9 5	8,808 2 1	
WATERFORD Harbour - - -	17 17 0	- - -	69 18 0	1,572 3 11	1,659 18 11	
TOTAL of Appropriated Duties for Local Objects.	1,750 5 8	- - -	636 14 2	53,512 5 10½	55,899 5 8½	
TOTAL including the Appropriated Duties.	118,677 3 1½	608 1 11½	149,607 11 9½	5,672,518 13 4½	5,941,411 10 2½	

NOTE

{ The Appropriated Balance in the Exchequer, on the 5th January, 1817.
 { The Unappropriated Balance in the Exchequer, on the 5th January, 1817.
 { The Appropriated Balance in the Exchequer, on the 5th January, 1818.
 { The Unappropriated Balance in the Exchequer, on the 5th January, 1818.

An Account (*continued*) of the Ordinary Revenues and Extraordinary

HEADS OF REVENUE. (IRELAND.)	PAYMENTS OUT OF THE NET PRODUCE APPLICABLE TO NATIONAL OBJECTS		
	PAYMENTS on account of Militia, Deser- ters, Stragglers, Seamen, Army of Reserve, Fortification, Compensation, &c.	BOUNTIES for promoting the Fisheries, Linen Manufactures, &c.	Navy and Army Half-Pay Payments for Account of Great Britain
ORDINARY REVENUES.	£ s. d.	£ s. d.	£ s. d.
CUSTOMS - - -	62,582 4 8	25,993 1 0	59,581 5 10
EXCISE - - -	1,717 16 8	- - -	35,577 15 10
TAXES - - -	- - -	- - -	- - -
STAMPS - - -	- - -	- - -	- - -
POST OFFICE - - -	- - -	- - -	- - -
POUNDAGE FEES - - -	- - -	- - -	- - -
PELLS' FEES - - -	- - -	- - -	- - -
CASUALTIES - - -	- - -	- - -	- - -
TOTAL OF ORDINARY REVENUES. £	64,300 1 4	25,993 1 0	95,159 0 10
EXTRAORDINARY RESOURCES.			
Lottery, being One-third part of the Profit on the Third Lottery of 1816, remitted from Great Britain - - -	- - -	- - -	- - -
From several County Treasurers, per the Receiver-General, on ac- count of Advances made by the Treasury for improving Post Roads in Ireland - - -	- - -	- - -	- - -
From several County Treasurers, per the Receiver-General, on ac- count of Advances made by the Treasury for building Gaols - - -	- - -	- - -	- - -
From several County Treasurers, per the Receiver-General, on ac- count of Advances made by the Treasury, under the Police Act of 54 Geo. III. - - -	- - -	- - -	- - -
From the Paymaster-General of Great Britain, on account of Advances for Half-pay to re- duced Officers, Pensions to Of- ficers' Widows, &c., on the Bri- tish Establishment - - -	- - -	- - -	- - -
Other Monies paid to the Public - TOTAL	- - -	- - -	- - -
PUBLIC INCOME OF IRELAND. £	64,300 1 4	25,993 1 0	95,159 0 10
APPROPRIATED DUTIES for Local Objects:			
LINEN Manufactures - - -	- - -	- - -	- - -
IMPROVEMENT of Dublin - - -	- - -	- - -	- - -
REPAIRS of the Royal Exchange, and Commercial Buildings - - -	- - -	- - -	- - -
LAGAN Navigation - - -	- - -	- - -	- - -
INNS of Court - - -	- - -	- - -	- - -
LIGHT-HOUSES - - -	- - -	- - -	- - -
DUNLEARY Harbour - - -	- - -	- - -	- - -
WATERFORD Harbour - - -	- - -	- - -	- - -
TOTAL of Appropriated Duties for Local Objects - - -	- - -	- - -	- - -
TOTAL, including the Appro- priated Duties - - -	64,300 1 4	25,993 1 0	95,159 0 10

NOTE.—The Amount of Treasury Bills issued for the Public Service, between the 5th January, 1817, and the 5th January, 1818, and not redeemed within that period, was

the Public Income of IRELAND, for the Year ended the 5th of

		BALANCES.				
S		BALANCES in the Hands of Collectors, on the 5th January, 1818.	BALANCES in the Hands of Receivers General, on the 5th January, 1818.	Bills deposited by the Receiver-Gen- eral, in the Bank of Ireland, to the Credit of the Teller of the Exchequer, but not due until after the 5th January, 1818.	TOTAL DISCHARGE of the Net Produce.	
R.						
d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
6½	54,411 16 7½	- -	51,276 2 1	1,738,244 11 8½		
10 2½	82,675 12 9	- -	67,715 10 0½	2,319,943 13 7½		
2½	10,863 15 1½	142 0 11½	20,685 18 8½	551,957 16 0½		
4½	9,117 0 10	683 3 9	- -	67,030 19 11½		
9½	- -	- -	- -	4,667 12 9½		
7½	- -	- -	- -	873 10 7½		
5½	- -	- -	- -	2,877 3 5½		
0½	157,068 5 4½	825 4 8½	139,677 10 9½	4,685,295 8 2½		
7½	- -	- -	- -	25,770 16 7½		
10½	4,366 14 1½	- -	- -	33,530 5 0		
10	2,295 3 0½	- -	- -	18,499 17 10½		
8½	- -	- -	- -	17,213 10 8½		
0 6	- -	- -	- -	9,130 7 0		
	- -	- -	- -	88,254 14 6		
8	163,730 2 6½	825 4 8½	139,677 10 9½	4,877,694 19 11½		
11 5½	- 10 9 11½	- -	- -	125 10 11		
4½	4 5 6½	- -	- -	12,167 16 5		
6½	1,787 1 2½	- -	- -	1,639 0 11		
0	- -	- -	- -	3,910 2 8½		
10½	987 12 4	- -	540 7½	1,998 0 0		
3	15 15 10	- -	- -	23,260 4 10		
10	39 5 6½	- -	83 1 6½	8,868 2 1		
3	2,844 10 4½	- -	632 6 2	1,659 18 11		
11	166,574 12 11	825 4 8½	140,809 16 11½	53,628 16 9½		
				4,931,323 16 9½		

ehall, Treasury Chambers, } S. R. LUSHINGTON.
h March, 1818.

TRADE OF GREAT BRITAIN.

AN ACCOUNT OF THE VALUE OF ALL IMPORTS INTO, AND OF ALL EXPORTS FROM, GREAT BRITAIN,

During each of the Four Years ending the 5th of January, 1818 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with *Ireland*;) distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported;—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from *Great Britain*, according to the Real and Declared Value thereof.

	VALUE of Imports into GREAT BRITAIN, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufac- tures of the United King- dom Exported from Great Britain, accord- ing to the real and declared Value thereof.	
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.	TOTAL EXPORTS.		
Year ending						
5th January.						
	£.	£.	£	£.	£.	
VALUE, inclusive of the Trade with IRELAND.	1815	36,559,788	36,120,733	20,503,496	56,624,229	47,859,388
	1816	35,989,650	44,048,701	16,929,608	60,978,309	53,209,809
	1817	30,105,565	36,697,610	14,545,964	51,243,574	42,955,256
	1818	33,971,025	41,590,516	11,534,616	53,125,132	43,614,136
Year ending						
5th January.						
VALUE, exclusive of the Trade with IRELAND.	1815	32,620,770	33,200,580	19,157,818	52,358,398	43,447,372
	1816	31,822,053	41,712,002	15,708,434	57,420,436	49,653,245
	1817	26,374,920	34,774,520	13,441,665	48,216,185	40,328,940
	1818	29,916,320	39,235,397	10,269,271	49,504,668	40,837,118

Custom House, London, } WILLIAM IRVING,
25th March, 1818. } Inspector Gen. of the Imports and Exports of Great Britain.

TRADE OF IRELAND.

OF THE VALUE OF ALL IMPORTS INTO, AND OF
ALL EXPORTS FROM, IRELAND,

of the Four Years ending the 5th January, 1818 (calculated at Rates of Valuation, and stated inclusive and exclusive of the Trade *Britain*;) distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandise Exported;—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from *Ireland*, according to the Value computed at the Average Prices Current.

VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.	VALUE of EXPORTS from IRELAND, calculated at the Official Rates of Valuation.				VALUE of the Produce and Manufactures of the United Kingdom, Exported from Ireland, as computed at the Average Prices Current.
	Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandise.	TOTAL EXPORTS.		
£. s. d.	£. s. d.	£. s. d.	£. s. d.		£. s. d.
5-6,687,732 2 9½	6,114,878 14 0½	475,370 9 11½	6,590,249 4 0		12,620,695 13 2½
6-5,637,117 16 1½	6,360,184 8 6	170,676 16 2	6,530,861 4 8		11,391,559 6 9½
7-4,693,745 4 6	6,042,253 15 9½	165,969 4 8	6,208,123 0 5½		8,510,977 1 5
8-5,644,175 16 5½	6,412,892 10 2	150,562 7 10½	6,563,454 18 0½		10,526,825 8 0½
5-1,134,493 1 10½	1,006,672 19 10	208,162 19 7½	1,214,835 19 5½		2,046,846 0 2
6-1,165,342 17 10	1,163,994 3 10½	40,117 17 2½	1,204,112 1 0½		1,949,782 18 4½
7-1,050,618 19 5	932,488 0 10½	42,374 6 4	974,862 7 2½		1,328,933 6 4
8-889,335 14 2½	851,548 5 9	23,413 4 10½	874,961 10 7½		1,411,897 9 11

London,
1818.

WILLIAM MARRABLE,
Inspector General of the Imports and Exports
of Ireland.

NAVIGATION OF GREAT BRITAIN.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their Tonnage, that were Built and Registered in the several Ports of the BRITISH EMPIRE, (except *Ireland*.) in the Years ending the 5th January, 1815, 1816, 1817, and 1818, respectively.

	IN THE YEARS ENDING THE 5th JANUARY,							
	1815.		1816.		1817.		1818.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
England - -	524	69,539	712	84,794	618	67,063	500	63,260
Scotland - -	136	14,563	165	16,227	192	15,606	156	14,824
Isle of Guernsey -	1	32	2	155	4	163	4	587
Jersey - -	1	34	5	539	2	40	1	142
Man - -	25	739	29	842	9	250	3	116
British Plantations	131	11,069	234	24,061	408	32,282	182	13,712
TOTAL (exclusive of Ireland) -	818	95,976	1,147	126,618	1,233	115,416	846	92,641

Not.—The Account delivered last year (for the year ended 5th January, 1817) is now corrected; and as several Returns from the Plantations for the year ended 5th January, 1818, are not yet received, a similar correction will be necessary when the next Account is made up.

Register General's Office,
Custom House, London,
24th March, 1818.

T. E. WILLOUGHBY.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, (except *Ireland*) on the 30th September, in the Years 1814, 1815, and 1816, respectively.

	On the 30th September, 1814.			On the 30th September, 1815.			On the 30th September, 1816.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
England -	17,102	2,088,204	131,078	17,346	2,139,301	135,000	17,442	2,152,968	134,069
Scotland -	2,783	241,578	17,900	2,863	254,926	18,629	2,968	263,536	18,775
Isle of Guernsey -	65	6,928	529	61	6,662	508	65	7,237	494
Jersey -	62	6,794	643	69	7,519	626	77	7,992	636
Man -	355	8,897	2,207	367	9,300	2,238	369	9,355	2,315
British Plantations -	2,868	202,795	14,729	2,991	203,445	14,700	3,775	279,643	16,859
TOTAL (exclusive of Ireland) -	23,235	2,555,196	167,086	23,697	2,621,153	171,756	24,686	2,720,711	173,189

Register General's Office,
Custom House, London,
24th March, 1818.

T. E. WILLOUGHBY.

NAVIGATION OF GREAT BRITAIN—continued.

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same, (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of GREAT BRITAIN, from and to all Parts of the World, during each of the Four Years ending 5th January, 1816 :—Also, showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same Period, exclusive of the intercourse with Ireland.

YEAR ENDING 5th January.	SHIPPING ENTERED INWARDS IN GREAT BRITAIN, From all Parts of the World.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	16,065	1,846,670	114,049	5,109	566,516	35,581	21,174	2,413,186	149,630
1816 - -	16,851	1,993,150	120,027	4,919	673,918	39,068	21,770	2,667,068	159,085
1817 - -	16,754	1,966,890	119,779	2,825	317,577	22,253	19,579	2,284,467	142,032
1818 - -	18,707	2,240,675	131,901	3,163	401,792	24,745	21,870	2,642,467	156,646

YEAR ENDING 5th January.	SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN, To all Parts of the World.								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	16,654	1,875,865	116,564	4,452	571,413	33,198	21,106	2,447,268	149,762
1816 - -	17,884	2,088,029	129,091	4,285	671,690	36,901	22,169	2,759,719	165,992
1817 - -	17,383	1,967,794	123,733	2,260	329,942	20,156	19,643	2,317,736	143,889
1818 - -	19,754	2,249,206	136,947	2,674	396,164	22,961	22,428	2,645,370	159,928

YEAR ENDING 5th January.	SHIPPING ENTERED INWARDS IN GREAT BRITAIN, From all Parts (except Ireland.)								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	8,503	1,232,772	80,215	5,003	546,960	34,533	13,506	1,779,632	114,748
1816 - -	8,889	1,312,817	82,832	4,917	673,667	39,045	13,306	1,986,504	121,877
1817 - -	9,179	1,345,617	85,965	2,798	311,927	21,962	11,977	1,657,544	107,927
1818 - -	10,751	1,561,544	93,501	3,152	399,836	24,646	13,903	1,961,380	118,147

YEAR ENDING 5th January.	SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN, To all Parts (except Ireland.)								
	British and Irish Vessels.			Foreign Vessels.			Total.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	7,935	1,160,664	77,331	4,443	570,124	33,111	12,378	1,730,808	110,442
1816 - -	8,282	1,311,716	84,481	4,283	671,385	36,876	12,565	1,983,051	121,357
1817 - -	8,523	1,266,022	82,510	2,258	329,457	20,133	10,780	1,595,479	102,643
1818 - -	10,224	1,486,436	93,175	2,671	395,549	22,949	12,895	1,881,985	116,124

Register General's Office,
Custom House, London,
24th March, 1816.

T. E. WILLOUGHBY.

NAVIGATION OF IRELAND.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of IRELAND, in the Years ending the 5th January, 1815, 1816, 1817, and 1818, respectively.

	Vessels.	Tonnage.
Year ending 5th January, 1815 . . .	46	1,973
— 1816 . . .	36	1,922
— 1817 . . .	41	1,985
— 1818 . . .	102	3,179

Custom House, Dublin, }
21st March, 1818. }

FRAS. L. MORGAN,
Registry Officer for Shipping.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of IRELAND, on the 30th September, in the Years 1814, 1815, 1816, and 1817, respectively.

	Vessels.	Tons.	Men.
On the 30th September, 1814 .	1,183	61,769	5,700
— 1815 .	1,163	60,123	5,551
— 1816 .	1,115	63,229	5,681
— 1817 .	1,204	64,593	5,677

Custom House, Dublin, }
21st March, 1818. }

FRAS. L. MORGAN,
Registry Officer for Shipping.

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys employed in navigating the same (including their repeated voyages) that entered Inwards and cleared Outwards, at the several Ports of *Ireland*, from and to all parts of the World, during each of the four Years ending the 5th January, 1818 :—Also showing the Number and Tonnage of Shipping entered Inwards and cleared Outwards, during the same period, exclusive of the intercourse with *Great Britain*.

YEAR ENDING 5th January.	SHIPPING ENTERED INWARDS IN IRELAND, From all Parts of the World.								
	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	9,946	840,922	46,661	286	54,755	2,890	10,242	904,677	52,651
1816 - -	10,208	850,360	50,066	501	92,474	5,087	10,709	942,864	55,158
1817 - -	9,880	838,902	49,073	528	68,674	3,441	10,408	907,576	52,514
1818 - -	10,481	904,990	53,610	289	49,022	2,579	10,800	954,012	56,189
YEAR ENDING 5th January.	SHIPPING CLEARED OUTWARDS FROM IRELAND, To all Parts of the World.								
	British and Irish Vessels.			Foreign Vessel			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	9,627	832,724	49,248	274	50,708	2,617	9,901	883,432	51,865
1816 - -	9,969	837,538	49,176	514	98,115	5,007	10,483	935,653	54,183
1817 - -	9,181	781,032	45,588	350	75,546	3,633	9,531	856,578	49,171
1818 - -	96,662	834,491	49,406	247	48,029	2,468	9,909	887,220	51,869
YEAR ENDING 5th January.	SHIPPING ENTERED INWARDS IN IRELAND, From all Parts (except Great Britain.)								
	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	472	57,476	3,578	288	52,427	2,842	756	109,903	6,420
1816 - -	491	59,291	3,558	494	90,875	4,955	985	150,166	8,513
1817 - -	565	70,106	4,154	318	67,538	3,388	883	137,644	7,537
1818 - -	504	63,577	3,772	244	45,175	2,401	748	108,752	6,173
YEAR ENDING 5th January.	SHIPPING CLEARED OUTWARDS FROM IRELAND, To all Parts (except Great Britain.)								
	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1815 - -	685	111,268	6,769	179	39,817	1,717	864	144,085	8,486
1816 - -	518	66,325	4,105	418	80,042	4,080	936	149,367	8,185
1817 - -	522	74,386	4,141	321	69,703	3,348	843	143,358	7,489
1818 - -	499	71,900	4,187	234	45,073	2,231	723	116,973	6,508

Custom House, Dublin, }
21st March, 1818. }

H. B. HAUTENVILLE,
Comptroller of Tonnage and Light Money.

[1817—18.]

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An Account, showing how the Public Monies remaining in the Receipt of the Exchequer of the United Kingdom, 5th day of January, 1818, and the Monies paid out of the Net Produce of the Revenues of the said year in Bills issued, and not redeemed, during the said year; *have been actually applied*: distinguishing the total Debt, together with the Charges of Management; the Sums applicable to its Reduction; the usual Grant Exchequer Bills:—3rdly, The Civil Lists of England and Ireland:—4thly, The other Charges on the Contingencies and Bounties in England; also the other Permanent Charges in Ireland:—5thly, The Civil Government of those incurred for Pensions, Bounties, Militia and Deserters Warrants:—7thly, The Navy; for Wages, Bounty, Flag Pay, Half Pay, and Pensions; for Dock Yards, Building of Ships, Stores, Pilotage, and for Sick and Wounded Seamen:—8thly, The Ordnance; specifying the Amount of Monies paid for account of the Ordinary Services; viz. for Regulars, Fencibles, Militia, Invalids, and Volunteer Corps; for Kilmainham Hospitals; for Foreign Corps; for Exchequer Fees; and for Pay of Public Offices; specifying—10thly, Loans, Remittances, and Advances to other Countries; specifying the Total Amount paid to them Services; specifying the Amount of Monies paid for Services at Home and Abroad respectively:—And enumerated.

HEADS OF EXPENDITURE.			SUMS.								
			£.	s.	d.	£.	s.	d.	£.	s.	d.
I.—For Interest, &c., on the Permanent Debt of the United Kingdom, Unredeemed; including Annuities for Lives and terms of years			28,755,990	18	0½						
For Charges of Management thereon			—	—	—	280,521	4	6			
For Interest, &c. on Imperial Loans; including Annuities for Lives and terms of Years			396,965	10	5						
For Charges of Management thereon			—	—	—	3,986	11	5			
For Interest on Portuguese Loan			13,228	4	3						
For Charges of Management thereon			—	—	—	181	16	0½			
			29,166,084	12	8½	294,589	11	11½			
There was also applied towards the Reduction of the National Debt £1,062,455 5 6½											
The usual Grant			200,000	0	0						
Annuities for terms of Years and Lives expired			167,978	7	0½						
Do. on Lives unclaimed for three Years, before the 5th January, 1817.			28,838	7	0						
Do. on Lives unclaimed for three Years and upwards, at 5th January, 1817.			995	8	7						
			29,838	10	7						
Per Centage on Loans raised from 1813 to 1815, both inclusive, per Act 53 Geo. III. cap. 35			2,756,519	5	10						
Annual Appropriation for the Redemption of £12,000,000, Part of £14,200,000, Loan 1807			626,255	10	4						
Interest on Capitals transferred for Life Annuities			109,846	5	2						
Long Annuity transferred for do.			5,177	10	0						
Interest on Debt of the United Kingdom, Redeemed			2,159,926	15	1½						
Do. Imperial do.			58,218	9	7						
Do. Portugal do.			13,228	4	3						
Interest at £1 per Cent. on part of Capitals created since 5th January, 1793, and on outstanding Exchequer Bills and Debentures, on 5th January, 1817			7,326,028	1	9½						
Returned from Account of Life Annuities, the Nominees having died prior to their being set apart for payment			2,838	9	0						
			14,518,290	14	3½						
There has also been applied towards the Redemption of the Debt created in respect of £2,500,000, borrowed for the East India Company in 1812, the Amount paid by the Company into the Bank in pursuance of the Act 52 Geo. III, cap. 135			139,268	9	8						
			14,657,559	3	11½						
Whereof was applied, towards the Reduction of the National Debt			43,823,643	16	8						
			14,657,559	3	11½						
Total on account of Interest			—	—	—	29,166,084	12	8½			
Do. Charges of Management			—	—	—	284,589	11	11½			
Do. Reduction of the National Debt			—	—	—	14,657,559	3	11½			
II.—The Interest on Exchequer Bills			—	—	—	—	—	—	44,108,233	8	7½
			—	—	—	—	—	—	1,815,926	17	8½
Carried forward			—	—	—	—	—	—	45,924,160	6	3½

dom, on the 5th day of January, 1817, together with the Monies paid into the same during the year ended the anticipation of the Exchequer Receipt; together with the Amount of the Exchequer, Navy, and Transport amount of the Sums applied to the following heads of Service:—1st. The Interest of the Public Funded for the same purpose; and Interest for the Debt upon Imperial and Portuguese Loans:—2ndly, the Interest on consolidated Fund; specifying the Amount of those Incurred for Courts of Justice, Mint, Pensions, Salaries, and verment of Scotland:—6thly. The other Payments in anticipation of the Exchequer Receipt; specifying the specifying the Amount of Monies respectively paid for Salaries to the Admiralty, Navy, and Navy Pay Offices; and Contingencies; for the Marines; for the Victualling; for Transports; for Prisoners of War in Health; Services at Home and Abroad respectively:—9thly. The Army, specifying the Amount of Monies paid on Bounties; for Staff Officers, and Officers of Garrisons; for Half Pay; for Widows Pensions; for Chelsea and also, the Amount of Monies paid to the Extraordinary Services of the Army, and the principal Articles thereof; respectively:—11thly. Issues from Appropriated Funds for Local Purposes in Ireland:—12thly. Miscellaneous lastly, specifying the Amount of any Public Monies applied to other Public Services (if any) not hereinbefore

HEADS OF EXPENDITURE.		SUMS.								
		£.	s.	d.	£.	s.	d.	£.	s.	d.
Brought forward								45,924,160	6	3½
III.—The Civil Lists of	{ England	1,028,000	0	0						
	{ Ireland	163,168	11	4						
IV.—The other Charges on the Consolidated Fund :					1,191,168	1	4			
	Courts of Justice in England	64,541	15	10½						
	Mint	15,000	0	0						
	Allowances to the Royal Family, Pensions, &c.	447,637	14	4½						
	Salaries and Allowances	62,920	10	2						
	Bounties and Compensations	3,841	0	0						
	Miscellaneous	138,270	1	2						
	Permanent Charges in Ireland	—	—	—	727,211	1	7			
					365,282	9	10½			
V.—The Civil Government of Scotland		—	—	—	—	—	—	2,308,662	2	9½
VI.—The other Payments in anticipation of the Exchequer Receipts ; vis.								130,646	3	4
	Bounties for Fisheries, Manufactures, { Customs	278,095	11	4½						
	Corn, &c. { Excise	51,950	1	0½						
					330,045	12	4½			
	Pensions on the Hereditary Revenue { Excise	14,000	0	0						
		13,700	0	0						
					27,700	0	0			
					98,657	18	2			
VII.—The Navy, viz.—								451,403	10	6½
	Wages	—	—	—	2,524,000	0	0			
	General Services	—	—	—	2,798,586	8	11			
					5,317,586	8	11			
					1,155,476	4	9½	6,473,062	13	8½
	The Victualling Department	—	—	—						
					1,441,075	1	1			
VIII.—The Ordnance										
	Deduct the Value of Stores supplied by the Board of Ordnance to Foreign Powers, the Expence of which is reimbursed to the Ordnance Department by the Paymaster-General, under Warrants of the Treasury	—	—	—						
					5,673	11	7			
IX.—The Army ; viz.—								1,485,401	9	6
	Ordinary Services	7,014,494	5	4½						
	Extraordinary Services, including Remittances and Advances to other Countries	3,869,888	14	1½						
	Deduct the Amount of Repayments for which Credit is given in the Extraordinaries of the Army	1,262,016	12	9	10,874,382	19	5½			
	Also, the Amount of Remittances and Advances to other Countries	7,502	1	11						
X.—Loans, Remittances, and Advances to Ireland, and other Countries ; vis.					1,259,518	14	8			
	Ireland	—	—	—	25,770	16	8	9,614,864	4	9½
	Russia	54	14	9						
	America	544	1	11½						
	Morocco	5,673	11	7						
	Tunis	153	19	10½						
	Holland	1,075	13	8½	7,502	1	11	83,273	18	7
								42,585	7	4½
XI.—Issues from Appropriated Funds, for Local Purposes					2,801,698	17	0			
XII.—Miscellaneous Services : { At Home					164,784	4	7½	2,466,483	1	7½
	Abroad							68,875,541	18	7½
	Deduct Remittance to Ireland				25,770	16	8			
	Sinking Fund on Loan to the East India Company				139,268	9	8	165,089	6	4
* This includes the Sum of £.495,658 11 5 for Interest, Management, and								68,710,502	12	8½

* This includes the Sum of \$495,658 11 5 for Interest, Management, and Sinking Fund, on Imperial Loan, and \$56,638 4 6½ for do. on Portuguese Loan.

An Account of the Public Funded Debt of the United Kingdom, as the same stood on the different Funds in which the same is invested;—the Capital Stock of each Charges of Management;—the Annual and other Sums payable to the Commissioners Total of Annual Expense: Distinguishing also, upon what Conditions, and at what which is added, the Amount of Loans to the Emperor of Germany, and Prince Regent

BY WHAT ACTS CREATED.	Capitals.—At 5 per Centum per Annum.							
	Bank of England and Annuities Anno 1726.		South Sea Old & New Annuities. Anno 1751.		Consolidated Annuities.		Reduced Annuities.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.
GREAT BRITAIN.								
4 & 5, and 5 & 6 William and Mary	-	-	-	-	-	-	-	-
5 & 6 ditto	-	-	-	-	-	-	-	-
20 Geo. II.	-	-	-	-	-	-	-	-
21 Ditto	-	-	-	-	-	-	-	-
82 Ditto	-	-	-	-	-	-	-	-
6 Geo. III.	-	-	-	-	-	-	-	-
18 Ditto	-	-	-	-	-	-	-	-
19 Ditto	-	-	-	-	-	-	-	-
29 Ditto	-	-	-	-	-	-	-	-
Bank of England.—5 & 8 Geo. I. and 2, 17, 19, 20, & 56 Geo. III.	14,686,800	0 0	-	-	-	-	-	-
South Sea Company.—9 Geo. I.	-	-	20,071,084	13 11½	-	-	-	-
Chief Cashier of the South Sea Company.—26th Geo. I.	-	-	966,000	0 0	-	-	-	-
Chief Cashier of the Bank of England.—12 Geo. I.	1,000,000	0 0	-	-	-	-	-	-
By sundry Acts prior to 57 Geo. III. (1st February, 1817) after deducting £470 £s per Cent. Consols. £1,000 £s per Cent. Red. and £600 £s per Cents. the Amount of Stock which would have been created by £2,000 Omnium, 1814, forfeited	-	-	-	-	396,861,086	2 4½	186,296,446	19 10
Annual Sums payable to the Commissioners for the Reduction of the National Debt:								
Annuities for 10 years, Anno 1777. fallen in	-	-	-	-	-	-	-	-
Ditto per Act 26th Geo. III.	-	-	-	-	-	-	-	-
Ditto 42nd ditto	-	-	-	-	-	-	-	-
By Act 58 Geo. III. cap. 85, being half the Interest on Sums raised pro Annis 1813 and 1814, which exceeded £13,013,914, the estimated Sum applicable to the Reduction of Debt, at 1st February, 1818	-	-	-	-	-	-	-	-
By Ditto pro Anno 1814, which exceeded £11,530,452 ditto ditto, 1st February, 1814	-	-	-	-	-	-	-	-
By Ditto pro Anno 1815, which exceeded £11,324,760 ditto ditto, 1st February, 1815	-	-	-	-	-	-	-	-
By Act 57 Geo. III. cap. 132, to pay Exchequer Bills	-	-	-	-	-	-	-	-
	15,686,800	0 0	21,037,784	13 11½	396,861,086	2 4½	186,296,446	19 10
Deduct Stock paid off	-	-	-	-	-	-	-	-
Ditto Stock transferred in the year ended 5th January, 1818, to the Commissioners of the National Debt, on account of Land Tax Redeemed	-	-	-	-	60,627	0 0	37,611	19 5
	-	-	-	-	396,790,459	2 4½	186,258,834	19 5
Ditto remaining in the Names of Commissioners for the Reduction of National Debt	299	1 0	7,294,500	0 0	21,038,910	5 1	48,058,094	17 2
	15,686,800	19 0	13,743,184	13 11½	376,091,548	17 3½	137,200,740	2 3
Transferred for Purchase of Life Annuities	-	-	-	-	2,837,620	0 0	1,453,569	0 0
	15,686,800	19 0	13,743,184	13 11½	372,283,928	17 3½	135,747,171	2 3

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, as the same distinguishing the different Funds in which the same is invested;—the capital stock of Charges of Management;—the Annual and other Sums payable to the Commissioners Total of Annual Expense;—Distinguishing also, upon what Conditions, and at what To which is added, the Amount of Loans to the Emperor of Germany, and Prince

BY WHAT ACTS CREATED.		Total Capitals.	Annual Interest.	Annunities for Lives, or for Terms of Years.
GREAT BRITAIN.				
EXCHEQUER ANNUITIES:	4 & 5 and 5 & 6 William and Mary	£. s. d.	£. s. d.	£. s. d.
	5 & 6 ditto	- - -	- - -	8,195 12 0
	20 Geo. II.	- - -	- - -	8,279 5 0
	21 Ditto	- - -	- - -	14,914 10 0
	32 Ditto	- - -	- - -	16,161 7 6
	6 Geo. III.	- - -	- - -	540 0 0
	18 Ditto	- - -	- - -	2,413 0 0
	19 Ditto	- - -	- - -	4,047 3 0
	29 Ditto	- - -	- - -	18,847 4 11½
	Bank of England.—3 & 8 Geo. I. & II. 17, 19, 20, & 56 Geo. III.	14,686,800 0 0	440,604 0 0	- - -
South Sea Company—9 Geo. I.		20,471,084 13 11½	602,132 10 9½	- - -
Chief Cashier of the South Sea Company—26 Geo. I.		966,600 0 0	28,998 0 0	- - -
Chief Cashier of the Bank of England—12 Geo. I.		1,000,000 0 0	30,000 0 0	- - -
By sundry Acts prior to 57 Geo. III. (1st February 1817,) after deducting £470, £3 per Cent. Con- sols, £1,600 £3 per Cent. Red., and £600 £3 per Cent., the Amount of Stock which would have been created by £2,000 Omnium, 1814, forfeited		794,714,811 4 3½	27,343,432 14 1	1,359,435 18 8½
Annual Sums payable to the Commissioners for the Reduction of the National Debt:		- - -	- - -	- - -
Annunities for 10 Years, Anno 1777, fallen in		- - -	- - -	- - -
Ditto per Act 52 Geo. III.		- - -	- - -	- - -
Ditto 42 ditto		- - -	- - -	- - -
By Act 53 Geo. III., Cap. 35, being Half the Inter- est on Sums raised pro Annis 1813 and 1814, which exceeded £13,012,914, the estimated sum applicable to Reduction of Debt, at 1st February, 1813		- - -	- - -	- - -
By Ditto pro Anno 1814, which exceeded £11,330,452.		- - -	- - -	- - -
Ditto 1st February, 1814		- - -	- - -	- - -
By Ditto pro Anno 1815, which exceeded £11,324,760.		- - -	- - -	- - -
Ditto 1st February, 1815		- - -	- - -	- - -
By Act 57 Geo. III., Cap. 132, to pay Exchequer Bills		- - -	- - -	- - -
Deduct Stock paid off		£ 831,439,295 18 2½	28,445,167 4 10½	1,432,634 1 1½
Ditto, transferred in the Year ended 5th Jan. 1818, to the Commrs. of the National Debt, on Account of Land Tax Redeemed		41,829 8 4	2,091 9 5	- - -
		831,397,466 9 10½	28,443,075 15 5½	- - -
		96,238 19 5	2,947 3 4	- - -
Ditto, remaining in the Names of Commrs. for the Reduction of National Debt		831,299,227 10 5½	28,440,128 12 1½	- - -
		77,106,148 2 3	2,313,948 3 1½	548 2 11
Transferred for Purchase of Life Annunities		754,193,079 8 2½	26,126,180 9 0½	1,432,235 18 2½
		4,323,385 0 0	130,307 4 7½	5,790 0 0
		£ 749,869,694 8 2½	25,995,873 4 5½	1,426,565 18 2½
Amount of National Debt of Great Britain		749,869,694 8 2½	- - -	- - -
Deduct Amount of Stock due to the Bank of England and South Sea Stock		28,429,984 18 11½	- - -	- - -
		721,439,709 14 3½	- - -	- - -
Amount of Long Annunities, at 25 Years Pur- chase		33,829,194 14 9½	- - -	- - -
		£ 755,268,904 9 0½	- - -	- - -

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, as the tinguishing the different Funds in which the same is invested;—the capital stock of Charges of Management;—The Annual and other Sums payable to the Commis- the Total of Annual Expense;—distinguishing also, upon what Conditions, and at To which is added the Amount of Loans to the Emperor of Germany, and Prince

BY WHAT ACTS CREATED.	Capitals at 3 per Centum per Annum.											
	Bank of England and Annuities Anno 1726.		South Sea Old and New Annuities Anno 1751.			Consolidated Annuities.			Reduced Annuities.			
IRELAND.	£.	s.	£.	s.	d.	£.	s.	d.	£.	s.	d.	
By sundry Acts of Parliament -	-	-	-	-	-	13,983,746	12	7½	-	-	-	
Transferred from England to Ireland	-	-	-	-	-	-	-	-	-	-	-	
Annual Grant, per Act 37 Geo. III.	-	-	-	-	-	-	-	-	-	-	-	
Terminable Annuities expired -	-	-	-	-	-	-	-	-	-	-	-	
Deduct Life Annuities fallen in -	-	-	-	-	-	13,983,746	12	7½	-	-	-	
Ditto Stock remaining in the hands of the Commissioners of the National Debt -	-	-	-	-	-	4,836,400	9	7½	-	-	-	
LOANS TO THE EMPEROR OF GERMANY.	-	-	-	-	-	9,297,296	2	11½	-	-	-	
By Acts 35 & 37 Geo. III. -	-	-	-	-	-	7,502,633	6	8	-	-	-	
In the hands of the Commissioners of the National Debt -	-	-	-	-	-	2,048,828	3	0	-	-	-	
LOANS TO THE PRINCE REGENT OF PORTUGAL.	-	-	-	-	-	5,454,805	3	8	-	-	-	
By Act 40 Geo. III. -	-	-	-	-	-	-	-	-	896,522	7	9	
In the hands of the Commissioners of the National Debt -	-	-	-	-	-	-	-	-	481,549	0	0	
	-	-	-	-	-	-	-	-	413,973	7	9	
TOTAL DEBT of the UNITED KINGDOM payable in Great Britain -	15,686,800	0	21,037,684	13	11½	396,790,459	2	4½	185,258,894	19	5	
Ditto payable in Ireland -	-	-	-	-	-	-	-	-	-	-	-	
Total of Loans to the Emperor of Germany, payable in Great Britain	-	-	-	-	-	7,502,633	6	8	-	-	-	
Ditto Ditto to the Prince Regent of Portugal, payable in Great Britain	-	-	-	-	-	-	-	-	896,522	7	9	
In the Names of the Commissioners of the National Debt -	299	1	7,294,500	0	0	23,747,236	8	1	48,539,643	17	2	
Transferred to Commissioners for Purchase of Life Annuities, per 46 Geo. III. cap. 142 -	-	-	-	-	-	2,337,926	0	0	1,458,509	0	0	
	15,686,500	19	13,743,184	13	11½	377,708,284	0	11½	136,161,144	10	0	

NOTE.—By an Account transmitted from the Commissioners for the Reduction of the National Capitals, the Dividends upon which have remained unclaimed for 10 years and upwards—

	£.	s.	d.
£3 per Cent Consols -	-	-	-
Do. - Reduced -	-	-	-
Do. - Anno 1726 -	-	-	-
£4 per Cent Consols -	-	-	-
£5 per Cent Do. -	-	-	-
Do. - 1797 & 1802 -	-	-	-
Imperial £3 per Cent -	-	-	-
	120,418	5	1
	50,475	17	2
	299	1	0
	32,316	9	9
	12,351	10	10
	5,675	18	6
	400	3	0

same stood on the 5th of January, 1818, so far as the same can be ascertained ;—Dis-
each Fund ;—the Annual Interest ;—Annuities for Lives or for terms of Years ;—
moners for the Reduction of the National Debt, by sundry Acts of Parliament ;—and
what Periods the several Parts of the Public Debt are Redeemable and Determinable
Regent of Portugal, payable in Great Britain.

Consolidated Annuities, £3½ per Cent.	Consolidated Annuities at £4 per Centum.	Capitals at £5 per Centum.		
		Consolidated Annuities.	Annuities 1797 and 1802.	Formerly paid by Ireland, and now payable in Great Britain.
£ s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
- -	780,784 12 4½	11,028,698 3 7 82,000 0 0	- -	- -
- -	- -	- -	- -	- -
- -	780,784 12 4½	11,030,698 3 7	- -	- -
- -	163,338 9 2½	- -	- -	- -
- -	626,446 3 1½	11,030,698 3 7	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
13,983,746 12 7½	74,986,719 3 3 780,784 12 4½	134,908,867 9 7 11,060,698 3 7	1,021,968 12 4	1,667,708 10 8
- -	- -	- -	- -	- -
- -	- -	- -	- -	- -
13,983,746 12 7½	76,726,403 14 6½	145,960,755 13 2	1,021,968 12 4	1,667,708 10 8
4,636,400 9 7½	195,664 18 11½	16,361 10 10	5,675 18 5	- -
9,207,296 2 11½	76,429,848 15 6½	146,964,404 2 4	1,016,292 13 11	1,667,708 10 8
- -	3,824 0 0	28,372 0 0	- -	- -
9,297,296 2 11½	76,526,024 15 6½	146,986,032 2 4	1,016,292 13 11	1,667,708 10 8

Debt, in the Amount of Stock, standing in their Names, are included the following
Fide Act 56 Geo. III. c. 60.

Also the following Long Annuities :

Of Great Britain - - - - - £548 2 11 }
Imperial - - - - - 10 7 8 } per Annum.

And also the following Capital, which has been purchased with
Unclaimed Dividends ;

£3 per Cent. Reduced - - - - - £348,800

All which Capitals are subject to the Claims of the Parties entitled thereto.

(Continued.)

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, be ascertained;—Distinguishing the different Funds in which the sameities for Lives or for Terms of Years;—Charges of Management;—the the National Debt, by sundry Acts of Parliament; and the Total of Annual several Parts of the Public Debt are Redeemable and Determinable. To which gent of Portugal, payable in Great Britain.

BY WHAT ACTS CREATED.	Total Capitals.	Annual Interest.	Annuities for Lives, or for Terms of Years.
IRELAND.	£. s. d.	£. s. d.	£. s. d.
By sundry Acts of Parliament -	25,402,229 8 64	1,072,487 8 6	45,138 9 22
Transferred from England to Ireland	82,000 0 0	2,700 0 0	- - -
Annual Grant, per Act 37 Geo. III.	- - -	- - -	- - -
Terminable Annuities expired -	- - -	- - -	- - -
	25,364,229 8 64	1,075,067 8 6	45,138 9 22
Deduct Life Annuities fallen in -	- - -	- - -	1,229 10 94
Ditto, Stock remaining in the hands of the Commissioners of the Na- tional Debt - - - -	4,849,798 18 10	170,559 13 14	45,908 18 54
	21,004,480 9 84	904,497 15 42	45,908 18 54
LOANS TO THE EMPEROR OF GERMANY.			
By Acts 35 & 37 Geo. III. - - -	7,502,633 6 8	225,079 0 0	230,000 0 0
In the hands of the Commissioners of the National Debt - - -	2,048,328 3 0	61,446 16 102	10 7 8
	5,454,305 3 8	163,629 3 12	229,989 12 4
Amount of Loans to the Emperor of Germany - - - -	5,454,305 3 8		
Long Annuities at 25 years' purchase	5,749,740 8 4		
	11,204,045 12 0	Management at £340. per Million.	
LOANS TO THE PRINCE REGENT OF PORTUGAL.			
By Act 49 Geo. III. - - - -	896,522 7 9	26,865 13 54	- - -
In the hands of the Commissioners of the National Debt - - -	481,549 0 0	14,446 9 5	- - -
	413,973 7 9	12,419 4 04	- - -
Amount of Loan to the Prince Regent of Portugal - - - -	413,973 7 9	Management at £340. per Million.	
TOTAL DEBT OF THE UNITED KINGDOM			
payable in Great Britain -	881,399,227 10 52	28,440,128 12 12	1,482,834 1 12
Ditto, payable in Ireland -	25,364,229 8 64	1,075,067 8 6	45,908 18 54
Total of Loans to the Emperor of Germany, payable in Great Britain	7,502,633 6 8	225,079 0 0	230,000 0 0
Ditto, Ditto to the Prince Regent of Portugal, payable in Great Britain	896,522 7 9	26,865 13 54	- - -
	865,661,612 13 54	29,767,130 14 1	1,708,742 19 7
In the Names of the Commissioners of the National Debt - - -	84,486,824 4 1	2,590,404 2 62	558 10 7
	781,065,788 9 44	27,206,726 11 62	1,708,184 9 0
Transferred to Commissioners for Purchase of Life Annuities, per 48 Geo. III. cap. 142 - - -	4,323,886 0 0	130,207 4 72	5,720 0 0
	776,742,403 9 44	27,076,419 6 112	1,700,464 9 0

Eschequer, the 28th day of May, 1818.

WM. ROSE HAWORTH.

as the same stood on the 5th day of January, 1818, so far as the same can be Invested;—the Capital Stock of each Fund;—the Annual Interest;—Annual and other Sums payable to the Commissioners for the Reduction of Expense;—Distinguishing also upon what Conditions, and at what Periods, the same is added, the Amount of Loans to the Emperor of Germany, and Prince Re-

Charges of Management.	Annual or other Sums payable to the Commissioners by Sundry Acts.	TOTAL OF ANNUAL EXPENSE.	Conditions of Redemption or Periods of Determination.
£. s. d.	£. s. d.	£. s. d.	
2,228 2 8½	307,326 11 9	1,627,150 12 2½	
- -	62,445 5 6½	2,600 9 0	
- -	66,616 6 5½	62,445 5 6½	
		66,616 6 5½	
2,228 2 8½	436,986 8 9	1,648,812 4 2½	
- -	- -	1,229 10 9½	
- -	170,569 13 1½	1,557,582 13 4½	
2,228 2 8½	606,947 16 10½	1,557,582 13 4½	{ Charge of the Debt of the United Kingdom, the Dividends, &c. payable in Ireland.
- -	36,008 0 0	401,772 0 0	
3,909 7 6	† See below 61,460 4 6½	3,909 7 6	
- -	- -	- -	
3,909 7 6	98,153 4 6½	496,581 7 6	{ Charge for Germany, payable in Great Britain.
- -	- -	3,909 7 6	† See above.
- -	30,000 0 0	56,865 13 5½	
140 15 0½	‡ See below 14,446 9 5	140 15 0½	
- -	- -	- -	
140 15 0½	44,446 9 5	57,006 8 5½	{ Charge for Portugal, payable in Great Britain.
- -	- -	140 15 0½	‡ See above.
269,556 18 11½	11,654,367 0 4½	41,796,876 12 8	
2,228 2 8½	436,986 8 9	1,557,582 13 4½	
3,909 7 6	36,008 0 0	496,581 7 6	
140 15 0½	30,000 0 0	57,006 8 5½	
275,735 4 2½	12,157,498 4 1½	43,907,047 2 0½	
- -	2,560,962 13 1½	- -	
275,735 4 2½	14,718,460 17 3	43,907,047 2 0½	
- -	136,027 4 7½	- -	
275,735 4 2½	14,854,428 1 10½	43,907,047 2 0½	
Add - -	30,747 12 0	Annuities payable at the Exchequer, Unclaimed for Three Years at 5th January, 1818.	
- -	14,986,175 13 10½	Life Annuities payable at the Bank of England.	
Deduct -	288,491 2 0	Amount applicable to the Reduction of the Debt of the United Kingdom	
£.	14,596,684 11 10½		

An Account of the Progress made in the Redemption of the Public Funded Debt of the United Kingdom, the several Funds, and specifying how much of each has been Redeemed by the Commissioners for the Reduction of the Public Debt, the Sums Annually applicable to the Reduction thereof; likewise, the Annuities to fall in; and, also,

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners, from 1st August, 1786, to 5th Jan. 1818.	TOTAL Sums Paid.	Average Price of Stocks.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Consolidated £3 per Ct. Annuities Reduced Do. South-Sea Stock.	490,385,213 4 5½ 355,906,772 0 1	- - -	100,992,864 0 0 207,096,065 0 0	63,897,913 18 9 129,676,037 7 5	63½ 62½
Old S. Sea Annuities, and New Do. Do. }	24,065,064 13 11½	{ - - Old - - New	6,392,000 0 0 4,765,500 0 0	4,371,036 17 0 3,295,596 16 9	68½ 69½
£3 per Cent. Anno 1751 -	1,919,600 0 0	- - -	1,064,000 0 0	762,665 10 0	70½
Consolidated £4 per Cent. Annuities Do. £5 Do. Do. -	82,732,119 2 2 135,042,067 9 7	- - -	7,796,400 0 0 145,500 0 0	6,586,934 8 9 130,118 7 6	84½ 89½
£5 per Ct. Annuities, Annis 1797 & 1802 £3 per Cent. Anno 1726 Do. Bank Annuities £5 per Cent Annuities formerly paid by Ireland	1,021,968 12 4 1,000,000 0 0 14,686,800 0 0 1,900,000 0 0	- - -	328,274,369 0 0 - - - 180,296 9 4	208,660,300 6 2 - - - 155,334 10 3	- - - 86½
Consolidated Long Annuities	- - -	1,359,435 18 8½	328,454,665 9 4	208,815,634 16 5	
Consolidated £3 per Cent. Reduced Do. £3 per Cent. Annuities, Anno 1726 Consolidated £4 per Cents. Navy £5 per Cents. £6 per Cents. 1797 and 1802 Reduced Annuities purchased with Un-claimed Dividends	- - - - - - - - - - - - - - - - - -	- - - - - - - - - - - - - - - - - -	120,418 5 1 50,475 17 2 299 1 0 32,316 9 9 12,651 10 10 5,675 18 5 348,600 0 0	Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 years and upwards, and which are subject to the Claims of the Parties entitled thereto.	
£.	1,108,659,615 2 6½	1,359,435 18 8½	329,025,302 11 7		
Transferred to Commissioners, on account of Land Tax Redeemed, at 5th Jan. 1818	25,389,233 2 9	- - -	- - -		
Ditto for Purchase of Life Annuities, per Act 48 Geo. III.	1,068,270,381 19 9½ 4,823,385 0 0	- - - 5,720 0 0	- - -		
Redeemed by the Commissioners, including Capitals, the Dividends upon which have not been claimed for 10 years and upwards	1,078,946,996 19 9½ 329,025,302 11 7	1,353,715 18 8½ 548 2 11	- - -		
Debt Unredeemed at 5th Jan. 1818	749,921,694 8 2½	1,353,167 15 9½	- - -		
Deduct Irish £5 per Cents., payable in England, transferred to the £5 per Cents. payable in Ireland	52,000 0 0	- - -	- - -		
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th Jan. 1818	749,869,694 8 2½	- - -	- - -		
An Account of the Progress made in the Redemption					
Imperial £3 per Cent. Annuities	7,502,633 6 8	230,000 0 0	2,047,928 0 0	1,255,982 15 1	61½
Redeemed by the Commissioners, including Capital transferred to them, the Dividends on which have not been claimed for 10 years and upwards	2,048,328 3 0	10 7 8	400 3 0		
Debt Unredeemed at 5th Jan. 1818	5,454,305 3 8	229,989 12 4	2,048,328 3 0		
An Account of the Progress made in the Redemption					
Reduced £3 per Cent. Annuities Redeemed by the Commissioners	895,522 7 9 481,549 0 0	- - -	481,549 0 0	309,520 6 6	64½
Debt Unredeemed at 5th Jan. 1818	413,973 7 9	- - -	- - -		

Kingdom, payable in Great Britain, at the 5th of January, 1818;—Distinguishing the Capitals of duction of the National Debt since the 1st of August, 1786; the Average Price of Stocks; and the Capitals of Debt transferred to the said Commissioners on Account of Land Tax Redeemed.

SUMS Applicable to the Reduction of the NATIONAL DEBT.			ANNUITIES, Fallen in since 22nd June, 1802, or that will fall in hereafter.		
	£.	s. d.		£.	s. d.
Annual Charge, per Act 26 Geo. III. - - -	1,000,000	0 0	Exchequer Annuities, 2 & 3 Anne; Expired 5th April, 1808	23,369	13 4
Ditto..... 42 Do. - - -	200,000	0 0	Do. Do. 5th Jan. 1806	7,030	6 8
Ditto per Act 57 Geo. III. cap. 142, being £1 per Cent. on Exchequer Bills, Outstanding and unprovided for, at 5th January, 1817 - - -	330,000	0 0	Do. 4 Anne Do. 5 April - - -	23,254	11 6
Annuities for 99 and 96 years, expired 1792 - - -	54,880	14 6	Do. 5 Do. - Do. Do. 1806	7,776	10 0
Ditto.... 10 years..... Anno. 1787 - - -	25,000	0 0	Do, 6 Do. - Do. Do. 1807	4,710	10 0
Exchequer Life Annuities Unclaimed for 3 Years, at 5th January, 1818 - - -	30,747	12 0	Do. - Do. 5 July - - -	10,181	0 0
Ditto... of which Nominees shall have died prior to 5th July, 1802 - - -	21,481	6 1	Bank Short Annuities Do. 5 Jan. 1808.	418,333	0 11
Dividend on £320,332,469, at £3 per Cent. - - -	9,609,974	1 43	Do. Long, L. will expire Do. - 1860	1,359,435	18 8½
Ditto..... £7,796,400... £4 per Cent. - - -	311,368	0 0			
Ditto..... £145,500... £5 per Cent. - - -	7,275	0 0			
Ditto..... £160,296 9 4 Irish £5 per Cent. payable in England - - -	9,014	16 5½			
Annuity of £1 per Cent. on Capitals created from 1st February, 1793, to 1812, (both inclusive) - - -	6,640,220	8 7½	By an Act of 42d Geo. III, cap. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt.		
Dividend on £432,385, transferred to purchase Life Annuities - - -	130,307	4 7	Consolidated with the General Account above.		
Ditto on £5,720 Long Annuities, for Do. - - -	5,720	0 0			
The proportion of Sinking Fund on Loan raised and Bills funded, Anno 1815, to be borne by Consolidated Fund - - -	543,494	6 11½			
Annual Appropriation on £12,000,000, part of £14,200,000, Loan 1807, 47 Geo. III. cap. 55 - - -	626,255	10 5			
Annual Interest on Capital, purchased by the Commissioners at £3 per Cent. on Account of Do. - - -	-	-			
Interest on £222,037 2 3 Capital unclaimed, on account of Great Britain - - -	7,354	16 6½			
Long Annuities Do. - - -	543	2 11			
Interest on £348,600 Reduced Annuities, purchased with Unclaimed Dividends - - -	10,458	0 0			
	£	19,564,587 15 5½			
<i>Chargeable on Sinking Fund :</i>					
Life Annuities - - - £288,491 2 0					
Loans and Bills, funded from 1813 to 1815 (both inclusive) per 53 Geo. III. c. 35 - - -	7,632,969	14 9½			
Part of Charge on Treasury Bills raised for Ireland, Anno 1816 - - -	9,014	16 5½			
	7,930,475	13 2½			
Deduct for Sinking Fund for said Loans and Bills - - -	2,213,024	18 10½			
	5,717,450	14 4½			
Actual Sinking Fund of the United Kingdom, payable in Great Britain - - -	£	13,847,137 1 1½			
<i>of the Imperial Debt, at 5th January, 1818.</i>					
Annuity at £1 per Cent. on Capital created by Loan, 1797 - - -	36,693	0 0	Imperial Annuities will expire 1st May, 1819 - - -	230,000	0 0
Dividend on £2,047,928.... £3 per Cent. - - -	61,437	16 9½			
Ditto..... £400 3 Unclaimed Capital, £3 per Cent. - - -	12	0 1			
Ditto.... Imperial Annuities for 25 years - - -	10	7 8			
	£	98,153 4 6½			
<i>of the Debt of Portugal, at 5th January, 1818.</i>					
Annual Appropriation for Redemption of Loan, 1809 - - -	30,000	0 0			
Dividend on £481,549..... £3 per Cent. - - -	14,446	9 4½			
	£	44,446 9 4½			

S. HIGHAM.

*An Account of the Unfunded Debt and Demands outstanding, on the
5th day of January, 1818:*

Under the Heads of,—Exchequer, Treasury, Army, Navy, Ordnance, Barracks, and any other Head of Public Service; specifying the same:—Distinguishing under each Head respectively, the particulars of which such Debt or Demands consisted; and also, what part of the said Debt or Demands was then provided for, and in what manner; and what Part thereof was Unprovided for.

				AMOUNT OUTSTANDING.		
EXCHEQUER.				£	s.	d.
Exchequer Bills	Provided for.....	607,000	0	0		
	Unprovided for..	56,122,400	0	0		
				56,729,400	0	0
TREASURY.						
Miscellaneous Services.....		965,529	17	8		
Warrants for Army Services...		504,064	2	0		
Treasury Bills of Exchange } drawn from Abroad		164,178	0	0		
Irish Treasury Bills:						
Provided for.....		982,315	7	8½		
Unprovided for..		4,684,615	7	8½		
				5,666,930	15	4½
Loan Debentures		2,053	16	11½		
Lottery Prizes		23,565	4	7½		
				7,326,321	16	8
Army				839,590	13	1½
Navy				1,614,105	10	3
Ordnance.....				169,893	18	11
Barracks				2,314	6	2
				£ 66,681,626	5	1½
Whitehall, Treasury Chambers, } 25th March, 1818.				C. ARBUTHNOT.		

LETTER from the Secretary of the Treasury, transmitting Statements of the Exports of the Produce and Manufactures of The United States, and of the Produce and Manufactures of Foreign Countries, from the 1st October, 1816, to 30th September, 1817.—16th January, 1818.

SIR,

Treasury Department, 16th January, 1818.

I HAVE the honor to transmit a Statement of the Exports of The United States, during the year ending the 30th September, 1817, amounting in value, on articles

	<i>Dollars.</i>
Of Domestic produce or manufacture, to	68,313,500
Of Foreign produce or manufacture, to	19,358,069
Total. . . . <i>Dollars.</i>	87,671,569

Which articles appear to have been exported to the following Countries, viz.

	<i>Domestic.</i>	<i>Foreign.</i>
	<i>Dollars.</i>	<i>Dollars.</i>
To the Northern Countries of Europe	3,828,563	2,790,408
To the Dominions of The Netherlands.	3,397,775	2,387,543
of Great Britain	41,431,168	2,037,074
of France.	9,717,423	2,717,395
of Spain.	4,530,156	3,893,780
of Portugal	1,501,237	333,586
All other	3,907,178	5,198,283
Total. . . . <i>Dollars.</i>	68,313,500	19,358,069

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

*The Hon. the Speaker
of the House of Representatives.*

(1.)—*Summary of the Value and Destination of the Exports of The United States, during the Year ending the 30th September, 1817.*

WHITHER EXPORTED.	Domestic Produce.	Foreign Produce.	Total Value to the Dominions of each Power.
	Dollars.	Dollars.	Dollars.
Russia - - - - -	134,557	506,636	640,393
Sweden - - - - -	101,775	59,194	
Swedish West Indies - - - - -	314,659	67,095	542,723
Denmark and Norway - - - - -	02,989	243,188	
Danish West Indies - - - - -	1,063,370	590,727	2,090,224
Holland - - - - -	2,588,566	1,905,905	
Dutch West Indies and American Colonies - - - - -	747,159	310,274	5,785,318
Dutch East Indies - - - - -	62,060	171,264	
England, Man, and Berwick - - - - -	27,164,408	729,605	43,468,242
Scotland - - - - -	2,980,602	18,243	
Ireland - - - - -	2,064,114	75,763	
Gibraltar - - - - -	1,637,827	852,770	
British East Indies - - - - -	87,621	261,331	
British West Indies - - - - -	3,802,452	69,105	
Newfoundland and British Fisheries - - - - -	1,391	2,780	
British American Colonies - - - - -	3,691,292	27,527	
Other British Colonies - - - - -	1,451	-	
The Hanse Towns and Ports of Germany - - - - -	2,021,213	1,324,418	
French European Ports on the Atlantic - - - - -	6,935,623	1,387,642	3,345,631
French European Ports on the Mediterranean - - - - -	188,912	307,590	
French West Indies and American Colonies - - - - -	2,470,330	893,240	12,434,818
French East Indies - - - - -	4,946	-	
Bourbon and Mauritius - - - - -	117,612	128,923	8,423,936
Spanish European Ports on the Atlantic - - - - -	561,909	86,819	
Spanish European Ports on the Mediterranean - - - - -	46,476	47,958	
Teneriffe and the other Canaries - - - - -	86,079	47,672	
Florida - - - - -	130,789	25,699	
Honduras, Campeachy, and Musquito Shore - - - - -	96,415	206,121	
Spanish West Indies and American Colonies - - - - -	3,606,588	3,477,511	
Portugal - - - - -	542,822	6,364	1,834,823
Madeira - - - - -	448,832	31,271	
Fayal, and the other Azores - - - - -	28,656	10,763	1,433,714
Cape de Verd Islands - - - - -	65,131	55,289	
Coast of Brazil and other American Colonies - - - - -	415,796	229,899	379,709
Italy and Malta - - - - -	124,223	1,309,491	
Trieste and other Austrian Ports in the Adriatic - - - - -	86,377	293,332	302,912
Turkey, Levant, Egypt, Mocha, and Aden - - - - -	23,405	279,507	
Morocco and Barbary States - - - - -	2,435	6,204	548,660
China - - - - -	162,447	386,213	
Asia, (generally) - - - - -	161,203	401,015	3,513,766
West Indies, (ditto) - - - - -	2,729,699	784,067	
Europe, (ditto) - - - - -	414,166	567,080	1,001,246
Africa, (ditto) - - - - -	79,951	87,390	
South Seas - - - - -	5,779	70,638	76,417
North West Coast of America - - - - -	117,493	993,346	
Total - - - - - Dollars	-	-	87,671,569

ary of the Value of Exports from each State, during the
Year ending the 30th of September, 1817.

STATES.	DOMESTIC.	FOREIGN.	TOTAL.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
aire.....	170,599	26,825	197,424
.....	913,201	- -	913,201
s.....	5,908,416	6,019,581	11,927,997
.....	577,911	372,556	950,467
.....	574,290	29,849	604,139
.....	13,660,733	5,046,700	18,707,433
.....	5,849	- -	5,849
.....	5,538,003	3,197,589	8,735,592
.....	38,771	6,083	44,854
.....	5,887,884	3,046,046	8,933,930
Columbia.....	1,689,102	79,556	1,768,658
.....	5,561,238	60,204	5,621,442
na.....	955,211	1,369	956,580
na.....	9,944,343	428,270	10,372,613
.....	8,530,831	259,883	8,790,714
.....	7,749	- -	7,749
.....	8,241,254	783,558	9,024,812
The United States	108,115	- -	108,115
tal <i>Dollars</i>	68,313,500	19,358,069	87,671,569
getown	127,265	21,644	148,909
ndria	1,561,837	57,912	1,619,749
<i>Dollars</i>	1,689,102	79,556	1,768,658
higan Territory	64,228	- -	64,228
ssissippi do.....	43,887	- -	43,887
<i>Dollars</i>	108,115	- -	108,115

(3.)—*Summary Statement of the Value of the Exports, of the Growth, Produce, and Manufacture, of The United States, during the Year ending the 30th September, 1817.*

	Dollars. 1,671,000	Dollars.	Dollars.	Dollars.
THE SEA.				
Fisheries ;	-	-	-	-
Dried fish or cod fishery	-	-	1,008,000	-
Pickled fish, or river fishery, (herrings, shad, salmon, mackarel)	-	-	328,000	-
Whale, (common) oil and bone	-	281,000	-	-
Spermaceti oil and candles	-	112,000	-	-
			343,000	1,671,000
THE FOREST.				
	6,484,000			
Skins and furs	-	-	698,000	-
Ginseng	-	-	102,000	-
Product of wood	-	-	-	-
Lumber, (boards, staves, shingles, hoops and poles, hewn timber, masts and spars)	-	3,196,000	-	-
Oak bark and other dye	-	188,000	-	-
Naval stores, (tar, pitch, rosin, turpentine)	-	845,000	-	-
Ashes, pot and pearl	-	1,967,000	-	-
			5,694,000	6,481,000
AGRICULTURE.				
	57,222,000			
Product of animals ;	-	-	-	-
Beef, tallow, hides, live cattle	-	845,000	-	-
Butter and cheese	-	213,000	-	-
			1,058,000	-
Pork pickled, bacon, lard, live hogs	-	537,000	-	-
Horses and mules	-	432,000	-	-
Sheep	-	42,000	-	-
			1,011,000	2,069,000
Vegetable food ;	-	-	-	-
Wheat, flour, and biscuit	-	-	18,432,000	-
Indian corn and meal	-	-	1,329,000	-
Rye and meal	-	-	627,000	-
Rice	-	-	2,379,000	-
All other (oats, pulse, potatoes, apples, &c.)	-	-	187,000	-
				22,964,000
Tobacco	-	-	-	9,230,000
*Cotton	-	-	-	22,628,000
All other agricultural products ;	-	-	-	-
Indigo	-	-	4,000	-
Flax seed	-	-	378,000	-
Maple sugar	-	-	4,000	-
Hops	-	-	1,000	-
Wax	-	-	48,000	-
Various items, (poultry, mustard, &c)	-	-	6,000	-
				341,000
MANUFACTURES.				
	2,202,000			
Domestic materials ;	-	-	-	-
Soap, and tallow candles	-	358,000	-	-
Leather, boots, shoes, saddlery	-	56,000	-	-
Hats	-	14,000	-	-
Grain, (spirits, beer, and starch)	-	118,000	-	-
Wood, (including furniture, coaches, and other carriages)	-	340,000	-	-
Cordage	-	158,000	-	-
Iron	-	189,000	-	-
Various items, (snuff, wax candles, tobacco, lead, Linseed oil, &c.)	-	334,000	-	-
			1,517,000	-
Foreign materials ;	-	-	-	-
Spirits from molasses	-	251,000	-	-
Sugar refined	-	36,000	-	-
Chocolate	-	3,000	-	-
Gunpowder	-	357,000	-	-
Brass and copper	-	8,000	-	-
Medicinal drugs	-	30,000	-	-
			685,000	-
UNCERTAIN.				
	734,000			
Articles not distinguished in Returns ;	-	-	-	-
Manufactured	-	-	349,000	-
Raw produce	-	-	385,000	-
				734,000
Total	Dollars	-	-	68,313,000

* Sea Island cotton, valued at 40 cents per pound. Upland ditto, at 25 do.

Treasury Department, Register's Office, January 16th, 1818.

JOSEPH NOURSE, Register.

LETTER from the Secretary of the Treasury of The United States, transmitting his Annual Report to Congress, upon the state of the Finances.—5th December, 1817.

SIR, *Treasury Department, 5th December, 1817.*

I HAVE the honor to inclose a Report, prepared in obedience to the Act, entitled "An Act to establish the Treasury Department."

I have the honor, &c.

WM. H. CRAWFORD.

The Honorable The President of the Senate.

REPORT.

Treasury Department, 5th December, 1817.

In obedience to the directions of the "Act supplementary to an Act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report and Estimates.

REVENUE.

The net Revenue arising from duties upon imports and tonnage, internal duties, direct tax, public lands, postage, and incidental receipts, during the year 1815, amounted to *Dollars* 49,552,852 02

Viz: Customs	36,303,231 77
Internal duties	5,963,225 88
Direct tax	5,723,152 25
Public lands, exclusive of those in the State of Mississippi and the Alabama Territory	1,287,959 28
Postage and incidental receipts	275,282 84

And that which accrued from the same sources, during the year 1816, amounted to *Dollars,* 36,743,574 07

Viz: Customs	27,569,769 71
Internal duties	4,396,133 25
Direct tax	2,785,343 20
Public lands, exclusive of those in the State of Mississippi and the Alabama Territory	1,754,487 38
Postage and incidental receipts	237,840 53

It is ascertained that the gross amount of duties on merchandise and tonnage, which have accrued during the 3 first quarters of the present year, exceed 17,000,000 dollars; and that the revenue arising from internal duties, and from the public lands, during the same period, exceed that of the corresponding quarters of the year 1816.

The Balance in the Treasury, on the 1st day of January, 1817, exclusive of 10,665,287 Dollars 39, in Treasury Notes of every description, amounted to *Dollars* 11,

The payments into the Treasury, during the 3 first Quarters of the year, are estimated to amount to. . . . *Dollars* 27,095,984 14

Viz: Customs 21,732,068 22

Internal revenue and direct tax
3,480,173 43

Public lands, exclusive of those
in the State of Mississippi and
the Alabama . . 1,326,077 44

Postage and incidental receipts
26,913 93

Repayments into the Treasury
530,751 12

And the payments into the Treasury, during the 4th Quarter, from the same sources, are estimated at. *Dollars* 5,980,000 00

Making the total amount estimated to be received into the Treasury, during the year 1817, amount to 33,

Which, added to the sum in the Treasury, on the 1st day of January last, makes the aggregate amount of *Dollars* 44

The application of this sum, for the year 1817, is estimated as follows, viz:

To the 30th September, the payments have amounted to. 32,710,002 98

Viz: Civil, diplomatic, and miscellaneous expenses, exclusive of 375,000 dollars paid to the State of Georgia, from the proceeds of the Mississippi lands
2,798,248 75

Military service, including arrearage 7,105,816 90

Naval service 2,044,474 25

Public debt, exclusive of 3,592,927 dollars 60 cents, of Treasury Notes, which have been cancelled, in due course of settlement 20,761,462 98

During the 4th Quarter, it is estimated that the payments will amount to

Dollars 5,660,000 00

Viz: Civil, diplomatic, and miscellaneous expenses 600,000

Military service 1,110,000

Naval service 1,300,000

Public debt, to 1st Jan-

uary, 1818, inclusive. 2,650,000

Making the aggregate amount of *Dollars* 38,370,002 98

And leaving on that day, exclusive of 8,682,697 dollars 70 cents, in Treasury Notes, which are in a train of settlement, in order to be cancelled, a Balance in the Treasury of *Dollars* 6,001,575 02

OF THE PUBLIC DEBT.

The Funded Debt contracted before the year 1812, which was unredeemed on the 1st day of October, 1816, as appears by the Statement (1) amounted to *Dollars* 37,494,267 01

By the same Statement, it appears that the Funded Debt, contracted subsequent to the 1st day of January, 1812, amounted to 71,201,551 28

Making together, the sum of 108,695,818 29

To which must be added the temporary Loan from the Cumberland Bank, of 50,000 00

Making the aggregate amount of *Dollars*. 108,745,818 29

On the 1st day of January, 1817, there was added to the above amount, including 7,000,000 dollars of 5 per cent. stock, subscribed to the Bank, and including, also, a temporary loan from the Bank of 500,000 dollars, the sum of 7,877,471 61

From which deduct the amount of the old 6 per cent. and deferred stock reimbursed between the 1st day of October, 1816, and the 1st day of January, 1817, inclusive, amounting to 815,484 42

Leaving the sum of *Dollars*. 7,061,987 19

Making the public debt, which was unredeemed on the first day of January, 1817, as appears by Statement (2) amount to	<i>Dollars.</i> 115,807,805 48
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From the 1st day of January, to the 30th day of September, 1817, inclusive, there was, by funding Treasury Notes, added to the public debt, the amount of	1,097,315 43
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Making, on that day, the aggregate amount of ...	116,905,120 91
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During the same period there was purchased and redeemed of the public debt, including 550,000 dollars of temporary loans, the sum of	16,993,275 50
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Which deducted from the amount of the public debt, last stated, leaves, unredeemed, on the 1st day of October, 1817, the amount of	99,911,845 41
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Since the 30th September, there has been purchased or redeemed of the principal of the public debt, the amount of	333,235 16
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And there will be reimbursed of the principal of the old 6 per cent. and deferred stock, to the 1st day of January, 1818, inclusive, the amount of ..	709,513 70
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Making, together.....	<i>Dollars.</i> 1,042,748 86
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Which, being deducted from the aggregate amount of the public debt, on the 1st October, 1817, there will remain, unredeemed on the 1st January, 1818, the sum of ...	<i>Dollars.</i> 98,869,096 55
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By the same Statement, it appears that the principal of the public debt, purchased and redeemed, during the year 1817, including 550,000 dollars of temporary loans, amounts to.....	<i>Dollars.</i> 18,036,023 72
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In this sum is included all the funded debt, held by the Bank of The United States.

The old 6 per cent. stock will be redeemed in the course of the year 1818. The first instalment of the Louisiana Debt, falls due on the 21st day of October of that year. According to the terms of the Convention, this Debt is to be discharged by annual instalments of not less than 3,000,000 dollars each. It is therefore presumed, that, consistently with the letter of the Convention the whole debt cannot be discharged in one payment. But for this obstacle, in the present state of the Treasury, and under the existing provisions of the sinking fund, the whole amount of the stock might be redeemed on the 21st day of October next. It is believed, that neither the letter nor spirit of the Convention forbids the redemption of that stock, in 2 annual instal-

ments, by which the whole debt will be redeemed on the 21st day of October, 1819.

After the redemption of Louisiana stock, there is no part of the principal of the public debt, redeemable at the will of the Government, until the 1st day of January, 1825, except the 5 per cent. stock subscribed to the Bank of The United States. As the Commissioners of the Sinking Fund, are not authorized to redeem the 5 per cent. stock, the permanent annual appropriation of 10,000,000 dollars from the year 1819 to 1825, under the existing Laws, can only be applied to the payment of the interest of the public debt, and to the gradual reimbursement of the principal of the 6 per cent. deferred stock; and will leave, during that period, an annual surplus of nearly 5,000,000 dollars.

During the year 1825, the exchanged 6 per cent. stock, the 6 per cent. stock of 1812, and the stock created by funding Treasury Notes, amounting together to 18,895,456 dollars 23 will be redeemable. To the redemption of the whole of this stock within that year, the Sinking Fund, by the aid of its surpluses, will not only be entirely adequate, but will be amply sufficient to redeem the remainder of the public debt, at the several periods at which the different stocks of which it is composed, become redeemable. The whole debt, including the 5 per cent. stock, will be extinguished during the year 1830, except the 3 per cent. stock, which is not redeemable at the will of the Government.

It is not presumed that taxes will be imposed, and collected, for the express purpose of purchasing the funded debt above its nominal value. It is however believed to be unsafe to reduce the Revenue below the permanent annual expenditure as now authorized by Law, including the appropriation constituting the Sinking Fund. A reduction below that amount, would postpone the redemption of the public debt beyond the periods when the several loans of which it is composed, become redeemable, or impose upon the Legislature, the duty of resorting to them anew, for that object.

If, then, the Revenue shall, until the year 1825, be equal to the present annual expenditure, it is respectfully suggested whether the public interest will not be promoted, by authorizing the Commissioners of the Sinking Fund, to purchase the funded debt at such rates above par, as in their judgment will be for the interest of the Nation, rather than to suffer the annual surplus of the Sinking Fund, to remain in the Treasury unapplied for 5 successive years. Should such an authority be given to the Commissioners of the Sinking Fund, it is probable that the different species of stock would advance in price above their present current value; but as the authority would be permissive, not imposing the obligation to purchase, it is probable, that the surplus of the Sinking Fund might be more beneficially employed in purchasing

the public debt, than by remaining idle in the Treasury, until the year 1825. If that surplus could be annually invested early in each year, at the present prices of the different species of stock, it would produce a saving to the Nation, of not less than 4,000,000 dollars; between the 1st days of January 1820 and 1825. The interest which will accrue on the 5 per cent stock, between the 1st days of January 1820 and 1825, when it is estimated the whole redeemable debt will be discharged, will amount to 3,500,000 dollars; if therefore it is intended to redeem that stock, the surplus in the Sinking Fund may be legitimately applied to that object, during the years 1820 and 1821.

By Statement (8) it appears that the Treasury Notes	<i>Dollars.</i>
which have issued under the several Acts of Congress on	
that subject, have amounted to	36,133,794

Of which there has been cancelled at the	
Treasury	26,574,431

There is now in the Treasury, which will	
be cancelled when settled, exclusive of	
422,519 dollars 77, the estimated interest	
upon them, the amount of	8,623,400

Making together the sum of	35,497,831
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Leaving outstanding an estimated Balance of	<i>Dollars</i> 635,963
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As the outstanding Treasury Notes are convertible into funded debt, which is considerably above par, it is presumed that such portion of them as are not lost or destroyed, will be funded instead of being paid into the Treasury in discharge of duties and taxes. It is therefore probable that an addition to the public debt will be made during the year 1818, nearly equal to the Treasury Notes estimated to be outstanding.

Statement (E) presents the state of the Land Offices in the State of Mississippi, and in the Alabama Territory, from which it appears that the receipts into the Treasury have amounted to 1,124,100 dollars 81, of which 431,120 dollars were in Mississippi stock.

From the proceeds of the sales of these lands, there has been paid to the State of Georgia the sum of 688,441 dollars $\frac{33}{100}$, and there has been transferred to the State by the Commissioners of The United States, under the Act compromising the Yazoo Claims, that part of the original purchase money remaining in the State Treasury, amounting to 184,515 dollars 94, making together the sum of 872,957 dollars 27, and leaving still due to the State, the sum of 377,042 dollars 73, which is now ready to be paid under the provisions of the Act of the 3rd of March last.

By Statement (7) it appears that the Mississippi stock awarded by the Commissioners amounts to.....	<i>Dollars.</i> 4,278,434
From which deduct the amount received into the Treasury	431,120
Leaves outstanding the sum of	<i>Dollars</i> 3,747,314

Which it is estimated will be received into the Treasury during the 2 succeeding years, in payment of the public lands in the State of Mississippi and in the Alabama Territory, or will be discharged by payments from the Treasury out of the proceeds of the sales of those lands.

OF THE ESTIMATES OF THE PUBLIC REVENUE AND EXPENDITURES FOR THE YEAR 1818.

The importation of Foreign merchandize during the years 1815 and 1816, so greatly exceeded what was presumed to be equal to the annual average consumption, that a general impression was produced that the importations during the present year would fall greatly below that demand.

Under this impression, the Revenue accruing from that source for the year 1817, was in the Annual Report of the Treasury of the 16th of December, 1816, estimated at 12,000,000 dollars. But it is ascertained that the gross Revenue arising from that source during the 3 first quarters of the year, have exceeded 17,000,000 dollars, and it is estimated that that of the whole year will exceed 22,000,000 dollars.

It is presumed that the importations from the East Indies during the present year greatly exceed those which will take place during several consecutive years; and that the reaction produced by the excessive importations of 1815 and 1816, has in some degree been diminished by that circumstance. There is, however, just ground to believe, that the Revenue derived from this source will not for any given series of years fall below that of the present year. Considering that this Revenue during the year 1807, (the last year that our commerce was not greatly embarrassed by belligerent aggression,) exceeded 16,000,000 dollars; that the duties then imposed are considerably augmented by the present tariff; and that our Population has increased more than 30 per cent. carrying with it in the same degree, an increase of the means of procuring foreign articles, with an undiminished relish for their consumption; it is presumed that the Revenue from that source during the present year will be found to be less than that of any number of successive years.

According to these views the permanent annual Revenue may be estimated to amount to 2

Viz :

Customs	<i>Dollars</i>	20,000,000
Internal duties		2,500,000
Public lands, exclusive of the Missis- sippi and Alabama lands		1,500,000
Bank dividends at 7 per cent.		490,000
Postage and incidental receipts		35,000

And the payments into the Treasury during the year 1818, may be estimated at the same amount.

To which add the balance estimated to be in the Treasury on the 1st day of January, 1818.

Making together the sum of *Dollars* 3

The probable authorized demands upon the Treasury during the year 1818, are estimated to amount to 2

Viz :

Civil, miscellaneous, diplomatic and foreign intercourse	<i>Dollars.</i>	2,069,843	29
Military services, including an ar- rearage of 500,000 dollars		6,265,132	25
Naval service, including 1,000,000 dollars for the gradual increase o the Navy		3,611,376	20
Public debt		10,000,000	00

Which being deducted from the amount estimated to be received into the Treasury, including the Balance on the 1st of January, 1818, leaves on the 1st of January 1819, a Balance in the Treasury of. . *Dollars.*

which, however, will be applied to the redemption of Stock, under the provisions of the Act for the redemption Debt, passed the 3rd day of March, 1817, as far as t will admit.

All which is respectfully submitted.

WILLIAM H. C

Treasury Department, December 5, 1817.

(A.)—*Statement exhibiting the amount of Duties which accrued on Merchandize, Tonnage, Passports, and Clearances; of Debentures issued on the Exportation of Foreign Merchandize, and of Expenses of Collection during the Years 1815 and 1816.*

Duties on			Debentures issued.	Bounties and allowances.	Gross Revenue.	Expenses of Collection.	Net Revenue.
Merchandize.	Tonnage, &c.	Passports &c.					
Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1815 37,881,135 52	614,025 59	16,006	1,650,671 91	1,811 74	36,708,693 46	405,462 02	* 36,303,231 44
1816 32,673,610 76	471,764 99	11,800	4,787,588 47	84,976 89	28,284,610 39	714,840 69	27,569,769 71

* Net Revenue exhibited in the Statement accompanying the Report of the Secretary of the Treasury of the 16th of December, 1816, (Statement marked A.) - - - - - 36,643,598 77

Dollars.

Deduct bounties and allowances - - - - - 1,811 74

Duties which accrued in 1814, included in the Statement of 1815 - - - - - 338,555 59

Net Revenue for 1815 - - Dollars 36,303,231 44

JOSEPH NOURSE, Register.

Treasury Department, Register's Office, December 5, 1817.

(B.)—*Statement of the accruing Internal Duties, during the Year 1816, with the computed expenses of Collection.*

	Dollars.	C.
Amount of accruing duties	4,633,799	00
Computed expenses of collection	237,665	75
Net Revenue. . . Dollars..	4,396,133	25

(1.)—*Statement of the Public Debt of The United States, on the 1st of October, 1816.*

	Dollars.	C.	Dollars.	C.
6 per cent. stock	17,250,871	41		
3 per cent. do.	16,158,180	79		
Deferred do.	9,358,320	34		
Louisiana do.	10,923,500	00		
6 per cent. do. of 1796	80,000	00		
Exchange 6 per cent. of 1812.	2,984,746	72		
			56,755,619	26

	<i>Dollars.</i>	<i>C.</i>	<i>Dollars.</i>	<i>C.</i>
6 per cent. stock of 1812				
11,000,000 loan	7,810,500	00		
do. of 1813...16,000,000	18,109,377	43		
do. do.... 7,500,000	8,498,581	95		
do. of 1814, 25 & 3 million	15,954,619	85		
do. of 1815, 18,452,800	12,288,149	64		
6 per cent. stock Treasury Notes, per 25th February, 1815, funded	60,727	41		
7 per cent. stock small Treasury Notes, funded	8,479,595	00		
			71,201,551	28
			127,957,170	54
Loan due Cumberland Bank, Maine			50,000	00
Nominal amount of Public Debt, 1st October, 1816.			128,007,170	54
Deduct reimbursement of the old 6 per cent. and deferred stocks, by estimate			19,261,352	25
Unredeemed amount, 1st October, 1816. <i>Dollars.</i> ..			108,745,818	29

Treasury Department,

Register's Office, December 19, 1816.

JOSEPH NOURSE.

(2.)—*Statement of the Funded Debt of The United States, and Temporary Loans, on the 1st of January, 1817.*

FUNDED DEBT.	<i>Dollars.</i>	<i>C.</i>	<i>Dollars.</i>	<i>C.</i>
Old 6 per cent. stock	17,250,871	41		
Deferred 6 per cent. do.	9,358,320	34		
3 per cent. do.	16,158,180	79		
Louisiana do.	10,923,550	00		
6 per cent. do. of 1796..	80,000	00		
Exchanged 6 per cent. do. of 1812	2,984,746	72		
			56,755,619	26
6 per cent. stock of 1812,				
11,000,000 loan	7,810,500	00		
do. of 1813, 16,000,000 loan	18,109,377	43		
do. do. 7½	8,498,581	95		
do. 1814, 25 & 3	15,954,619	85		
do. 1815, 18,452,800	12,288,149	64		
6 per cent. Treasury Note stock..	60,834	02		
7 per cent. stock.	8,856,960	00		
5 per cent.	7,000,000	00		
			78,579,022	89

TEMPORARY LOANS:	Dollars.	C.	Dollars.	C.
Due Cumberland Bank, Maine ..	50,000	00		
Due the Bank of The United States	500,000	00		
			550,000	00

<i>Nominal amount of the Debt and Temporary Loans, 1st January, 1817</i>	135,884,642	15
Deduct amount reimbursed in the payment of 8 per cent. per annum on the old 6 per cent. and deferred Stock	20,076,836	67

<i>Unredeemed amount of Funded Debt, and Temporary Loans, 1st January, 1817.....</i>	<i>Dollars.</i>	115,807,805	48
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Treasury Department,

Register's Office, 28th November, 1817.

JOSEPH NOURSE.

ACTS of the British Parliament, relative to the Restriction and Abolition of the Slave Trade.—1806 to 1818.

No.	Page.
1. 46 Geo. 3. Cap. 52.	23rd May,.. 1806. 541
2. 46 Geo. 3. Cap. 119.	21st July,.. 1806. 557
3. 47 Geo. 3. Cap. 36. (Session 1.)	25th March, 1807. 559
4. 47 Geo. 3. Cap. 44. (Session 2.)	8th August, 1807. 568
5. 51 Geo. 3. Cap. 23.....	14th May,.. 1811. 571
6. 53 Geo. 3. Cap. 112	10th July,.. 1813. 576
7. 54 Geo. 3. Cap. 59	27th May,.. 1814. 577
8. 55 Geo. 3. Cap. 172	11th July,.. 1815. 578
9. 58 Geo. 3. Cap. 49	30th May,.. 1818. 581
10. 58 Geo. 3. Cap. 98	10th June,.. 1818. 584

No. 1.—Act of the British Parliament, to prevent the Importation of Slaves, by any of His Majesty's Subjects, into any Islands, Colonies, Plantations, or Territories belonging to any Foreign Sovereign, State, or Power; and also to render more effectual a certain Order, made by His Majesty in Council on the 15th day of August, 1805, for prohibiting the Importation of Slaves (except in certain cases), into any of the Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War; and to prevent the fitting out of Foreign Slave Ships from British Ports."

[46 Geo. III. Cap. 52.]

[23rd May, 1806.]

WHEREAS it is expedient to prevent the supplying the Islands, Colonies, and Territories, belonging to any Foreign Sovereign, State, or

Power, with Slaves, by or on account of any of His Majesty's Subjects, or by means of their Ships, capital or credit; and to prevent the fitting out of Foreign Slave Ships from British Ports. And whereas His Majesty by His Order in Council, bearing date the 15th day of August, 1806, was pleased to order, "That it should not be lawful, except by Special Licence as therein mentioned, for any Slave or Slaves to be landed upon any of the Coasts, or imported or brought into any of the Ports, Harbours, Creeks, or Roads, or within the Limits, Jurisdictions, and Territories of any of the Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War, until further Order, upon pain that all Slaves so landed or brought contrary to the true intent and meaning of that Order, together with the Vessels bringing in the same, or from which the same should be landed, and their Cargoes, should become forfeited to His Majesty, His Heirs and Successors; but the said Order recited, that it might be expedient to permit the annual introduction of a limited number of Slaves under due Regulations, for the purpose of supplying any waste that should take place in the Population on particular Estates, from extraordinary or unavoidable causes, and thereby of keeping up the cultivation of the lands already cleared and cultivated; and it was therefore further ordered, that any number of Slaves, not exceeding 3 for every 100 of the whole number of Slaves in the said Settlements, Islands, Colonies, and Plantations respectively (Returns whereof were to be made from time to time, in pursuance of Instructions to be transmitted by one of His Majesty's Principal Secretaries of State), might be imported in each year (provided casualties to that extent should appear to have taken place in the preceding year), under Licences to be previously granted by the Governor, Lieutenant-Governor, or Officer administering the Government of the said Settlements, Islands, Colonies and Plantations, from any other of His Majesty's Colonies in the West Indies, into the said Settlements, Islands, Colonies, and Plantations; such Licence, or a Copy thereof, to be produced by the Master of the Ship on which such Slaves are laden, as his authority, for having Slaves on board destined to the said Settlements, Islands, Colonies, and Plantations. Provided always, that until the 1st day of January, 1807, such limited importation might be made from other Places than His Majesty's Colonies in the West Indies as aforesaid, and without its being necessary for the Master of the Vessel, if met with at Sea, to produce the said Licence, or a Copy thereof, as his authority for having the Slaves destined as aforesaid on board, but subject nevertheless to such Licence being first had and obtained as aforesaid, before any Slaves should be permitted to be landed or sold from such Vessel in any of the said Settlements. And, after further reciting that Special Instructions would be immediately

transmitted by one of His Majesty's Principal Secretaries of State to the Governors, Lieutenant-Governors, or Officers administering the Government of the said Colonies, Settlements, and Plantations respectively, containing the Regulations proper for carrying that Order into effectual execution, directing and empowering them to grant Licences for the importation of such limited number of Slaves as aforesaid, subject to such Regulations as in the said Instructions would be provided, it was thereby declared to be His Majesty's further Order, that such Governor, Lieutenant-Governor, or other Officer as aforesaid, should be, and they thereby were respectively authorized and empowered to grant such Licences, upon such terms and conditions, and subject to such Regulations as, in conformity to and in furtherance of the object of such Instructions, might from time to time be required: and it was thereby further ordered, that the prohibition thereinbefore contained should not extend to prevent the importing or landing of any Slaves which should be imported into the said Colonies, Islands, and Plantations, by Licence first had for importing the same, under the Hand and Seal of His Majesty's Governor, or Lieutenant-Governor, or Officer administering the Government of the Colony, Settlements, or Plantations into which said Slaves are to be imported, specifying the Ship or Vessel permitted to import the same, in conformity with the Instructions to be received from one of His Majesty's Principal Secretaries of State as aforesaid, but that all Slaves, except such Slaves as may form part of the Crew of any Vessels, or may be household Servants to the Passengers therein, which should be landed without such Licence as aforesaid, and without conforming to such Regulations as should be contained therein, should, together with the Vessels bringing the same, or from which the same should be landed, and their Cargoes, become forfeited to His Majesty, His Heirs and Successors; and in case any Vessel should contain more Slaves than the number permitted to be imported in such Vessel by any such Licence or Licences, such number of the most valuable of the Slaves on board such Vessel (other than such Slaves as might form part of the Crew of such Vessel, or might be household Servants to the Passengers) as should be equal to the excess beyond the number mentioned in such License or Licences, should be forfeited to His Majesty, His Heirs and Successors, and should be selected and disposed of in such manner as might be in that behalf directed by any Instructions from one of His Majesty's Principal Secretaries of State, to be given to the respective Governors, Lieutenant-Governors, or other Officers administering the Government of such Colonies, Settlements, and Plantations as aforesaid: and it was thereby further ordered and provided, that nothing therein contained should be extended or construed to extend to the landing, importing, or bringing in of any Slave or Slaves from or by any Vessel which by stress of weather or by any

other peril should be driven on the Coast of any such Colonies, Settlements, or Plantations, or compelled to take refuge on such Coast, or within the Creeks and Harbours of such Colonies, Settlements or Plantations, provided the Slave or Slaves which should be so imported, landed, or brought in as last aforesaid, should be exported to some Place or Places, other than any of the Colonies, Settlements, or Plantations to which the said Order applied, within 10 days from the importation, landing, or bringing in of the same, unless further detained by stress of weather, or provided the same should within such 10 days be sold under the Special Licence of the Governor, Lieutenant-Governor, or Officer administering the Government of the Colony, Settlement, or Plantation where such Slaves might be, to such Person or Persons, as under the circumstances of his, her, or their cases, (which circumstance should be inserted in such Special Licence) might at the date thereof be entitled to obtain a Licence or Licences to import such number of Slaves as he, she, or they should in and by such Special Licence or Licences be permitted to purchase: And it was thereby further ordered and declared, that one-third of every forfeiture which should accrue in consequence of that Order to His Majesty, his Heirs and Successors, should be granted to the Governor, Lieutenant-Governor, or Officer administering the Government of the Colony, and one-third to the Party who should inform and prosecute the same:” And whereas it is expedient that the prohibition contained in the said Order of Council should be enforced and rendered more effectual by such auxiliary regulations and remedies as the authority of His Majesty in Council was insufficient to provide; May it therefore please Your Majesty that it may be enacted; and be it enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the 1st day of January, 1807, it shall not be lawful to export, transport, carry, convey, or send any Slave or Slaves (except in such special cases as are hereinafter excepted) from any part of His Majesty’s Dominions to any Island, Settlement, Colony, Plantation, Territory, or Place whatever, belonging to and under the Dominion of any Foreign Sovereign, State, or Power, the provisions of certain Acts of Parliament made for establishing certain Free Ports in the West Indies, or any other Statute, Law, or Usage to the contrary notwithstanding; and if any Slave or Slaves shall, from and after the day aforesaid, be so unlawfully exported, transported, carried, conveyed, or sent, or shall be embarked, put on board, or transhipped at or from any part of His Majesty’s Dominions with intent to be so unlawfully exported, transported, carried, conveyed, or sent, all and every such Slave or Slaves, together with every Ship or Vessel in which the same shall be so exported, transported, carried, conveyed, sent, embarked,

put on board, or transhipped, together with all her boats, guns, tackle, apparel, and furniture, shall be forfeited, and shall and may be seized and prosecuted as hereinafter is mentioned and provided.

II. And be it further enacted by the authority aforesaid, that from and after the said 1st day of January, 1807, it shall not be lawful to or for any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, to export, transport, carry, convey, or send, or cause or procure to be exported, transported, carried, conveyed, or sent, or in any manner to aid, abet, or assist in the exporting, transporting, carrying, conveying, or sending any Slave or Slaves from Africa or elsewhere (except from His Majesty's West India Islands, in such special cases as are hereinafter expressly excepted and provided for) to any Island, Settlement, Colony, Plantation, Territory, or Place whatever belonging to and under the dominion of any Foreign Sovereign, State, or Power, or to ship, embark, tranship, or put on board, or cause or procure to be embarked, shipped, transhipped, or put on board, or to aid, abet, or assist in the embarking, shipping, transshipping, or putting on board any Ship or Vessel whatever, at Africa or elsewhere, any Slave or Slaves (except as aforesaid) with the intent to the exporting, transporting, carrying, conveying, or sending the same to any such Foreign Island, Settlement, Colony, Plantation, or Territory or Place; and if any Slave or Slaves shall be so unlawfully exported, transported, carried, conveyed, or sent or embarked, shipped, transhipped, or put on board with such unlawful intent as aforesaid, all and every such Slave or Slaves, and every Ship or Vessel in which the same shall be so unlawfully exported, transported, carried, conveyed, or sent, or embarked, shipped, transhipped, or put on board, together with all her boats, guns, tackle, apparel, and furniture, so far as any of His Majesty's Subjects, or any Person or Persons resident as aforesaid, have or hath any property, share, or interest therein, shall become forfeited, and shall and may be seized and prosecuted as hereinafter is mentioned and provided.

III. And be it further enacted, that if any Slave or Slaves shall be landed upon any of the Coasts, or imported or brought into any of the Ports, Harbours, Creeks, or Roads, or within the limits, jurisdictions, and Territories of any of the Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War, without such Special Licence for landing, importing and bringing the same, as in and by the said Order in Council is mentioned, having been previously obtained, contrary to the prohibitions contained in the said Order, all and every such Slave or Slaves, together with the Ship or Vessel by or from which the same shall be so landed, imported, or [1817—18.]

brought, and all her boats, guns, tackle, apparel, and furniture, shall become forfeited, and shall and may be seized, forfeited, and prosecuted as hereinafter is mentioned and provided.

IV. And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall be exported from or embarked, shipped, transhipped, or taken on board any Ship or Vessel whatever, at any Island, Settlement, Colony, Plantation, or Territory under the dominion of His Majesty, His Heirs or Successors, or shall be exported from or embarked, shipped, transhipped or taken on board at Africa or on the Coast thereof, or elsewhere in any British Ship or Vessel, or any Ship or Vessel owned or employed in whole or in part by any of His Majesty's Subjects, or for or on account of any of His Majesty's Subjects, in order and with intent to be transported, carried, or conveyed to any or either of the said Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War, and to be there imported or landed, without such Special Licence as aforesaid, contrary to the said Order in Council, all and every such Slave and Slaves, together with every Ship or Vessel in or by which the same shall be so exported, embarked, shipped, transhipped or taken on board, and all her boats, guns, tackle, apparel, and furniture shall become forfeited, and shall and may be seized and prosecuted as hereinafter is mentioned and provided: provided always, that nothing in this Act contained shall extend or be construed to extend to prevent His Majesty, His Heirs and Successors, from revoking, annulling, varying, or altering the said Order in Council, or any of the Regulations or Instructions in regard to Special Licences therein contained, mentioned or referred to, as to his royal wisdom shall from time to time during the continuance of the present War, seem meet.

V. And be it further enacted, that if any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories belonging to, or in the possession of His Majesty, His Heirs or Successors, shall unlawfully land, import, send, transport, carry convey, embark, ship, tranship, or put or take on board, or cause or procure to be landed, imported, exported, sent, transported, carried, conveyed, embarked, shipped, transhipped, or put or taken on board, or shall be aiding, abetting, or assisting in the landing, importing, exporting, sending, transporting, carrying, conveying, embarking, shipping, transshipping, or putting or taking on board any Slave or Slaves, contrary to any of the prohibitions in the said Order in Council, or in this Act contained, every such Person or Persons so offending, shall respectively forfeit and pay for each and every Slave so unlawfully landed, imported, exported, sent, transported, carried, conveyed, embarked, shipped, transhipped, or put or taken on board, the sum of £50. lawful money of Great Britain: provided always,

that no penalty or forfeiture shall be incurred by any landing or importing, or transshipping or carrying of any Slave or Slaves, contrary to the said Order in Council, or to this Act, when it shall be clearly proved to the satisfaction of the Court before which any such forfeiture, or any Suit for any such penalty shall be prosecuted, that the prohibited act entirely arose from stress of weather, peril of the Sea, or other inevitable accident, the burden of which proof shall in all cases lie on the Claimant or Defendant: provided also that nothing in this Act shall extend to prevent the transportation to any Foreign Colony or Place of any Slave or Slaves that shall have been convicted by due course of Law, in any British Island or Colony, of any crime to which the punishment of transportation is or shall be annexed by the Law of such Island or Colony; but in every such case a Copy of the Judgment or Sentence, certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such Convict shall be transported.

VI. And be it further enacted, that from and after the said 1st day of January 1807, it shall not be lawful to or for any of His Majesty's Subjects, or to or for any Person or Persons resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereto belonging, to invest or employ any sum or sums of money, or any Ship or Vessel, goods or effects to him or them belonging, in trading in, or carrying Slaves from Africa or elsewhere, to any Settlement, Island, Colony, Plantation, Territory, or Place belonging to and under the dominion of any Foreign Sovereign, State, or Power, or to any of the said Settlements, Islands, Colonies, or Plantations which have been surrendered to His Majesty's Arms during the present War (except such limited and licensed trade to the latter as is by the said Order in Council, and by this present Act allowed) or knowingly or wilfully to lend or advance any sum or sums of money, or to become security in any manner for the loan or advance of any sum or sums of money, goods, or effects, for the purpose of being employed or used in any such trade or carriage of Slaves except as aforesaid, or to become guarantee or security for any Factor or Agent to be employed in the sale of Slaves in or for the use or supply of any such Foreign Settlement, Island, Colony, Plantation, Territory, or Place, or (except such limited and licensed trade as aforesaid) in or for the use or supply of any of the said Settlements, Islands, Colonies, or Plantations which have been surrendered to His Majesty's arms during the present War, or otherwise to engage as a Partner, Factor, Agent, or otherwise, directly or indirectly, in the supplying with Slaves any such Foreign Island, Colony, Territory, or Place, or any of the said Settlements, Islands, Colonies, or Plantations which have been surrendered to His Majesty's arms during the present War except as before excepted, upon pain that every Person or Persons who shall knowingly or wilfully so employ

any Ship or Vessel, goods or effects, or so invest, employ, lend, advance, or secure any sum or sums of money for any of the purposes aforesaid, or become guarantee or security for any such Factor or Agent as aforesaid, or otherwise to engage as Partner, Factor, Agent, or otherwise, in supplying Slaves as aforesaid knowingly and wilfully, contrary to the true intent and meaning of this prohibition, shall forfeit or pay for every such offence double the value of all the money, Ships, Vessels, Goods, and Effects so by him or them employed, lent, advanced, or secured, to be recovered and applied as is herein-after mentioned and provided ; and every mortgage, bond, bill, note, or other security made or given for securing the payment of any such unlawful loan or advance, or for any other the unlawful purposes aforesaid, shall be absolutely null and void (except in the case of a *bona fide* purchaser or holder of any such of the said securities as are in their nature negotiable, who may have purchased or obtained the same, without notice that the same were made or given for or in consideration of any of the unlawful purposes aforesaid.)

VII. And be it further enacted, that, from and after the said 1st day of January, 1807, if any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or within any of the Islands, Colonies, Dominions, or Territories thereunto belonging, shall knowingly and wilfully insure, or cause or procure to be insured, any Ship, Vessel, Slaves, Goods, or Commodities whatsoever employed or to be employed in the trading in or carrying of Slaves from Africa or elsewhere, to any Island, Colony, Territory, or Place belonging to or under the dominion of any Foreign Sovereign or State, or to any of the said Settlements, Islands, Colonies, or Plantations, which have been surrendered to His Majesty's Arms during the present War, (except such limited and licensed trade to the latter as is by the said Order in Council and this present Act allowed), any Person or Persons so insuring or causing or procuring any such insurance to be made, shall forfeit and pay for every such offence the sum of £500 ; and every such insurance shall be absolutely null and void.

VIII. And be it further enacted, that, from and after the said 1st day of January, 1807, it shall not be lawful for any British Ship or Vessel or for her Boats, Officers, or Mariners, to be employed, used, or engaged, in or at Africa, or on any part of the Coast thereof, directly or indirectly, in supplying with Slaves any Foreign Ship, or Vessel, or Factory, whatsoever or wheresoever, or any Person concerned for on account of any Foreign Ship or Vessel or Factory, or for or on account of any Island, Colony, Plantation, or Territory belonging to or under the dominion of any Foreign Sovereign, State, or Power ; and every such Ship or Vessel which shall be so employed, engaged, or used, or the Boats, Officers, or Mariners whereof, by and with the consent and approbation or direction of the Owners

thereof, shall be so employed, engaged, or used contrary to the true intent and meaning of this Act, shall, with all her boats, guns, furniture, ammunition, tackle and apparel, be forfeited, and shall and may be seized and prosecuted as is hereinafter mentioned and provided ; and the Master or other Person having or taking the charge and command of such Ship or Vessel shall forfeit and pay the sum of £100 of lawful money of Great Britain.

IX. And be it further enacted, that, from and after the expiration of one calendar month to be computed from the time of the passing of this Act, it shall not be lawful for any Foreign Ship or Vessel employed or intended to be employed in the African Slave-trade, to be fitted out, equipped, manned or dispatched at or from any Port of this United Kingdom, or any other part of His Majesty's Dominions, for a voyage to Africa, whether that be the place of immediate destination, or such Ship or Vessel before proceeding thither is destined to touch at some other Port or Place, nor shall it be lawful for any of His Majesty's Subjects, or any other Person or Persons whatsoever, to ship, lade, or put on board in any Foreign Ship or Vessel when destined directly or indirectly to Africa, at any Port in this United Kingdom, or any other part of His Majesty's Dominions, any goods, wares, merchandize, or commodities whatsoever, with intent that the same shall be carried to Africa, to be there bartered for Slaves, or otherways employed in the African Slave-trade ; and if any such Foreign Ship or Vessel shall be so unlawfully fitted out, equipped, manned, or dispatched, or if any goods, wares, merchandize, or commodities shall be so unlawfully shipped, laden, or put on board in any such Ship or Vessel with such intent as aforesaid at any Port of His Majesty's Dominions, such Ship or Vessel, with all her boats, guns, tackle, apparel, and furniture, and all the goods, wares, merchandize, and commodities so shipped, laden, or put on board, shall be forfeited, and shall and may be seized and prosecuted as hereinafter is mentioned and provided ; and if any of His Majesty's Subjects, or any Person or Persons resident within His Majesty's Dominions, shall knowingly and wilfully fit out, equip, man, or dispatch any such Foreign Ship or Vessel for the purposes aforesaid, or knowingly and wilfully furnish the same with any goods, wares, merchandize, or commodities, as aforesaid, with the intent and for the purpose aforesaid, or be knowingly and wilfully aiding, abetting, or assisting, in any such offence, every Person or Persons so offending aiding, abetting, or assisting, shall forfeit and pay for every such offence the sum of £100 ; and every Ship or Vessel shall be deemed and taken to be a Foreign Ship or Vessel for the purposes aforesaid, although owned in whole or in part by British Subjects, which shall not be registered, navigated, and cleared out, in such manner as to entitle her to import Slaves into a British Colony according

to the laws of navigation, and to an Act made in the 39th Year of the Reign of His present Majesty, intituled, "An Act for better regulating the manner of carrying Slaves in British Vessels from the Coast of Africa."

X. And be it further enacted, that it shall not be lawful for any Ship or Vessel clearing out from any British Port after the 1st day of January, 1807, to export, transport, carry, or convey any Slave or Slaves from Africa, or the Coast thereof, to the Islands, Colonies, Plantations, or Territories belonging to or under the dominion of His Majesty, unless the Owner, Master or other Person having the charge of such Ship or Vessel shall, on her clearing out from Great Britain, or some one of the said Islands, Colonies, Plantations, or Territories, for Africa or the Coast thereof, have certified to the Collector or principal Officer of the Customs at the Port of Clearance, that the intent of the Voyage is to take in, and to transport, carry, and convey Slaves from Africa and the Coast thereof to the Islands, Colonies, Plantations, and Territories only belonging to or under the dominion of His Majesty, and shall have entered into a Bond, in the penal sum of £1,000, with one or more good and sufficient Sureties, to the Commissioners of the Customs in London, or to the Chief Officer of the Customs in other Ports respectively, with condition that such Ship or Vessel shall proceed from the Coast of Africa to some Port or Place in some Island, Colony, Plantation, or Territory belonging to and under the dominion of His Majesty, and that no Slave or Slaves which shall be taken on board the said Ship or Vessel in Africa, or on the Coast thereof, shall be landed or disposed of in any Port or Place in any Island, Colony, Plantation, or Territory belonging to or under the dominion of any Foreign Sovereign, State, or Power, or (except with such Licence as aforesaid) in any of the aforesaid Settlements, Islands, Colonies, or Plantations which have been surrendered to His Majesty's Arms during the present War, nor shall on any pretence whatsoever be sold or disposed of to the Ships or Vessels of any Foreign Sovereign, State, or Power, or to any Person whatever concerned for or on account of the same, or directly or indirectly in supplying the same with Slaves, either on the Coast of Africa, or the High Seas, or any Port, Harbour, or Place wheresoever situated; and the said Bond shall not be void and discharged until the due and faithful performance of all and every the several conditions therein contained shall have been proved or ascertained by the production of the Ship's Log-book and the Surgeon's Journal, duly verified, and also by a Certificate or Certificates from the Chief Officer of the Customs of each and every Port or Place in the Islands, Colonies, Plantations, or Territories belonging to or under the dominion of His Majesty where the said Ship or Vessels shall have touched, setting forth that the several injunctions hereinafter contained have been duly complied with: provided always,

that the said Bond shall be void if not prosecuted within 3 years after the return of the said Ship or Vessel.

XI. And be it further enacted, that when and as often as any British Ship or Vessel which shall have cleared out from any British Port after the day last aforesaid, and which shall, during the voyage in which she was engaged, have transported, carried, or conveyed any Slaves from Africa, or the Coast thereof, shall arrive at any Port or Place, in any Island, Colony, Plantation, or Territory belonging to or under the dominion of His Majesty, the Master, or other Person having the charge or command of such Ship or Vessel, shall immediately repair to the Custom House at or nearest to the Port or Place where he shall arrive, and there give in a written Account, to the Collector or Chief Officer of the Customs, of the total number of Slaves which he brought in the said Ship or Vessel from Africa or the Coast thereof, and shall declare that since his departure from thence, he hath not caused to be unshipped or landed, or sold or disposed of any Slave or Slaves in any Island, Colony, Plantation, or Territory belonging to or under the dominion of any Foreign Sovereign or State, or into any Ship or Vessel at Sea, or otherwise, and shall confirm such Declaration by the production of the Ship's Log-book and Surgeon's Journal, and also by producing the Surgeon and Chief Mate of such Ship or Vessel, if living, and on board the same, or if otherwise, then the 2 next Officers in point of station on board, to be examined by the said Collector or Chief Officer, on Oath (which Oath the said Collector or Chief Officer is hereby authorized and required to administer), touching the truth and fairness of the said Account.

XII. And whereas it may frequently happen that the Slaves brought in any Ship or Vessel from Africa, or the Coast thereof, or some of them, may not be sold at the first Port or Place at which the Ship or Vessel shall arrive in any Island, Colony, Plantation, or Territory belonging to or under the dominion of His Majesty; be it therefore further enacted, that any such Ship or Vessel, the whole Cargo of which shall not have been disposed of at the Port at which she shall first arrive in the said Islands, Colonies, Plantations, or Territories belonging to or under the dominion of His Majesty, from Africa or the Coast thereof, shall be permitted to proceed with her Slaves, or the remainder thereof, to such other Port or Place, Ports or Places, within any of the Islands, Colonies, Plantations, or Territories belonging to or under the dominion of His Majesty, into which Slaves from Africa may be lawfully imported, as the Master or other Person having or taking the charge or command of such Ship or Vessel, shall think fit: Provided always, that at every such Port or Ports where any Slave or Slaves shall be unshipped or landed, the Master or other Person having or taking the command of such Ship shall take from the Collector or other Chief Officer of the Customs, a

Certificate of the number of Slaves which shall have been so unshipped and landed out of his Ship or Vessel, at the said Port or Place ; which Certificate, with the Account of the original number brought from Africa, or the Coast thereof, and also an Account of the number remaining on board, and the Journal of the Surgeon of the said Ship or Vessel, expressing the number of Slaves who shall have died during the said Voyage, shall be by the said Master, or other Person having or taking the charge or command of such Ship or Vessel, exhibited to the Collector or Chief Officer of the Customs of every other Port or Place in the said Islands, Colonies, Plantations, or Territories belonging to or under the dominion of His Majesty, at which such Ship or Vessel shall afterwards touch ; and the Collector or Chief Officer of the Customs of such other Port or Place, Ports or Places, shall and he is hereby required, to compare the said Accounts ; and if there shall appear to be any deficiency in the number of Slaves which such Master or Person having or taking the charge or command of such Ship or Vessel, shall not be able lawfully to account for, every such Master or other Person shall forfeit the sum of £50 for every Slave which shall be so found deficient and unaccounted for : Provided always that no such Ship or Vessel shall transport or carry away from any such Port or Place, on pain of forfeiture of Ship and Cargo as aforesaid, any other Slave or Slaves than such as shall have been entered, as part of her Cargo from Africa, or the Coast thereof, in the same Voyage.

XIII. And be it further enacted, that, from and after the said 1st day of January, 1807, no Person shall embark, ship, export, or carry upon the Seas, any Slave or Slaves from any Island, Colony, Plantation or Territory belonging to or under the dominion of His Majesty, to any other Island, Colony, Plantation, or Territory belonging to or under the dominion of His Majesty, in any Ship or Vessel whatever (except as beforementioned, in British Ships, from Africa or the Coast thereof,) until the Owner or Exporter thereof shall make application in writing to the Governor of the said Island, Colony, Plantation, or Territory, or to the Collector or Chief Officer of the Customs of the Port from whence it shall be intended to export or embark the said Slave or Slaves, which said application shall express the number and quality of the Slaves he shall be desirous to export, transport, carry, or convey, and the Place to which he means to carry them, (such Place being always some Island, Colony, Plantation, or Territory, belonging to or under the dominion of His Majesty, into which such Slaves may be lawfully imported without any Special Licence, or else some or one of the said Settlements, Islands, Colonies, or Plantations which have surrendered to His Majesty's Arms during the present War, for importing the said Slaves into which some such Special Licence as aforesaid shall have been ob-

tained,) and until such Owner or Exporter shall obtain a Licence in writing for the exportation of such Slaves from such Island, Colony, Territory, or Plantation wherein such application is made, specifying the place of destination; which Licence under his Hand and Seal the said Governor, Collector, or Chief Officer is hereby authorized and required to grant, but previous thereto every such Owner or Exporter shall also give Bond to His Majesty, his Heirs and Successors, in a penal sum equal to the sum of £50 lawful money of Great Britain for every Slave so to be carried, and deliver the same to the said Governor, or the Collector or Chief Officer of the Customs of the Port or Place from which such Slave or Slaves shall be carried, the condition of which Bond shall be, that the said Owner or Proprietor shall faithfully and truly land or deliver the said Slaves at the Place to which he shall be so authorized to export or convey the same, and shall, within a time to be in the said condition limited, having respect therein to the ordinary length of the said intended voyage, produce a Certificate from the Collector or Chief Officer of the Customs of the Port or Place to which the said Slave or Slaves shall be so permitted to be exported or conveyed, or, in case there be in that Place no Collector or Chief Officer of the Customs, from 2 of the most eminent British Merchants or Inhabitants, certifying that the said Slave or Slaves shall have been landed and left in the said Port or Place, death or other inevitable impediment, to be proved by Oath of 2 credible Witnesses, excepted; and if any such Slave or Slaves so exported shall not be so landed and left according to the condition of any such Bond, or such Certificate as aforesaid shall not be duly returned, the said Bond shall become forfeited, and the said Governor or Collector, or Chief Officer, may cause the same to be put in suit, and the said Owner or Exporter shall not be relieved from the penalty thereof, but on payment of the sum of £50 lawful money aforesaid, for every Slave not so landed or left, or not so certified to have been landed and left as aforesaid, nor shall the Party be thereby discharged from any penalty or forfeiture incurred by the sending or conveying such Slaves to any Foreign Territory or Place contrary to the prohibition in this Act, or the said Order in Council contained: Provided always, that the said Bonds shall be void, unless prosecuted within 3 years from the date thereof: Provided also, that nothing herein contained shall prevent, or be construed to prevent any Slave from being employed either in navigation, fishing, or any other his ordinary business or occupation upon the Seas: Provided also, that nothing in this Act contained shall extend, or be construed to extend, to prevent any Slave who shall be really and truly the Domestic Servant of any Person residing in any Island, Colony, Plantation, or Territory belonging to or under the dominion of His Majesty, from attending such his Owner or Master, or any part of his family, by Sea to any Place whatever,

whether under the dominion of His Majesty or of any Foreign Sovereign, State, or Power; but if any Slave or Slaves employed in navigation, or any Fishermen or Domestic Slave or Slaves shall be so employed, embarked, or carried in any Ship or Vessel on a Voyage, from any British Island or Colony to any Foreign Colony, Plantation, or Territory, or to any other British Island or Colony, or to any of the said Settlements, Islands, Colonies, or Plantations, which have been surrendered to His Majesty's Arms during the present War, the names and occupations of every such Slave or Slaves (except Domestic Slaves attending on the person of any Passenger or Passengers on board, not exceeding in number 2 such Slaves for every Passenger on board) shall be inserted in or indorsed upon the Clearance or Permit to Depart of such Ship or Vessel, by or in the presence of the Collector, Comptroller, or other Chief Officer of the Customs of the Port or Place from which such Ship or Vessel shall clear outwards on any such Voyage, who shall without fee or reward certify under his hand that the Slave or Slaves so embarked or carried were reported and described to him as Seamen, Fishermen, or Domestic Servants, as the case may be; and if any Slave or Slaves shall be found on board any Ship or Vessel, bound on any such Voyage as aforesaid, whose name and description, names and descriptions, shall not be inserted in or indorsed upon the Clearance or Permit, and certified as aforesaid, (except as aforesaid) or who shall be untruly or fraudulently therein or thereupon described with intent to violate or elude any of the prohibitions or regulations in this Act contained, all and every such Slave or Slaves shall be forfeited, and shall and may be seized and prosecuted as hereinafter is mentioned and provided; and the Master or other Person having the charge of such Ship or Vessel in which the same shall be so embarked and carried without such Certificate as aforesaid, and the Owner, Master, or other Persons by whom or by whose procurement such Slave or Slaves shall be so untruly and fraudulently described with such intent as aforesaid, shall respectively forfeit and pay the sum of £50 lawful money aforesaid for every such Slave or Slaves, to be recovered and applied as hereinafter is mentioned and provided: Provided also, that nothing in this Act contained shall be construed or taken to prevent any Slave or Slaves from being put on board any Ship or Vessel by the Order of His Majesty's Commander-in-Chief, either by Sea or Land, in any Island, Colony, Plantation, or Territory, belonging to or under the dominion of His Majesty, in order to be employed in His Majesty's Military or Naval Service, and from being by such order so employed howsoever or wheresoever the said Service may require; any thing herein-before contained to the contrary notwithstanding.

XIV. And it is hereby further enacted, That the granting of

Licences and every other act which the Governor of any Island, Colony, Plantation, or Territory belonging to or under the dominion of His Majesty is by this Act directed or authorized to do or perform, may be lawfully done or performed by the Person or Persons executing *pro tempore* the Office or Function of Governor of any such Island, Colony, Plantation, or Territory, by authority from His Majesty, whether under the style and title of Governor, Lieutenant-Governor, President of the Council, or under any other style or title whatsoever.

XV. And be it further enacted, that if at any time hereafter the said Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War, or any or either of them, shall be reconquered by any of His Majesty's Enemies, or shall pursuant to any future Treaty of Peace, or otherwise, cease to be under the dominion, or in the possession of His Majesty, His Heirs or Successors, then and from thenceforth the said Settlements, Islands, Colonies, or Plantations, or such of them as shall be so reconquered, or pass from His Majesty's dominion and possession, shall for all the purposes of this Act be deemed and taken to be Settlements, Islands, Colonies, or Plantations belonging to and under the dominion of a Foreign Sovereign, State, or Power, as fully as if they had been within that description at the time of passing this Act.

XVI. And be it further enacted by the authority aforesaid, that if any Person taking any Oath by this Act authorized or required to be taken, shall thereby commit wilful perjury, or if any Person shall unlawfully procure or suborn any person to take any Oath by this Act authorized or required to be taken, whereby such Person shall commit wilful perjury, every such Person shall incur and suffer the like pains and penalties as are by Law inflicted upon Persons committing wilful and corrupt perjury or subornation or perjury respectively.

XVII. And be it further enacted, that the several pecuniary penalties or forfeitures imposed and inflicted by this Act, or by the said Order in Council, shall and may be sued for, prosecuted, and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice-Admiralty in any part of His Majesty's Dominions wherein the offence was committed, or in case the Offender shall be resident in any other Place, then in any part of His Majesty's Dominions wherein such Offender may be found; and that in all cases of seizures of any Ships, Vessels, Slaves, goods, or effects for any forfeiture under this Act, or under the said Order in Council, the same shall and may respectively be sued for, prosecuted, and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice-Admiralty in any part of His Majesty's Dominions, in or nearest

to which such seizures may be made, or to which such Ships or Vessels, Slaves, goods, or effects (if seized at sea, or without the Limits of any British jurisdiction) may most conveniently be carried for trial; and all the said penalties and forfeitures, whether pecuniary or specific, shall go and belong to such Person and Persons, in such shares and proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions as any penalties or forfeitures incurred in Great Britain and in the British Colonies or Plantations in America respectively, by force of any Act of Parliament relating to the trade and revenues of the said British Colonies or Plantations in America, now go and belong to, and may now be sued for, prosecuted, tried, recovered, distributed, and applied respectively in Great Britain, or in the said Colonies or Plantations respectively, under and by virtue of a certain Act of Parliament made in the 4th year of His present Majesty, intituled, "An Act for granting certain duties in the British Colonies and Plantations in America, for continuing, amending, and making perpetual an Act passed in the 6th year of the Reign of His late Majesty King George the IInd, intituled 'An Act for the better securing and encouraging the trade of His Majesty's Sugar Colonies in America, for applying the produce of such duties, and of the duties to arise by virtue of the said Act, towards defraying the expences of defending, protecting, and securing the said Colonies and Plantations, for explaining an Act made in the 25th year of the Reign of King Charles the IInd, (intituled 'An Act for the encouragement of the Greenland and Eastland trades, and for the better securing the Plantation trade'), and for altering and disallowing several drawbacks on exports from this Kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said Colonies and Plantations, and improving and securing the trade between the same and Great Britain.'"

XVIII. And be it further enacted, that all Ships and Vessels, Slaves, goods, and effects that shall or may become forfeited for any offence committed against this Act, or against the said Order in Council, shall and may be seized by any Officer of His Majesty's Customs or Excise, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War, who in making and prosecuting any such seizures, shall have the benefit of all the provisions made by the said Act of the 4th year of His present Majesty, or any other Act of Parliament for the protection of Officers seizing and prosecuting for any offence against the said Act, or any other Act of Parliament relating to the trade and revenues of the British Colonies or Plantations in America.

XIX. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced either in Great Britain, or

elsewhere, against any Person or Persons for any thing done in pursuance of this Act, or of the said Order in Council, the Defendant or Defendants in such action or suit may plead the general issue, and give this Act or the said Order in Council as herein recited, and the special matter in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act, or of the said Order in Council; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited or discontinue his action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any verdict or demurrer against the Plaintiff, the Defendant or Defendants shall recover treble costs, and have the like remedy for the same as Defendants have in other cases by Law.

No. 2.—Act of the British Parliament, “ to prohibit for 2 Years after the conclusion of the present Session of Parliament, any Ships to clear out from any Port of Great Britain, for the Coast of Africa, for the purpose of taking on board Negroes, unless such Ships shall have been previously employed in the African Trade, or contracted for, for that purpose.”

[46 George III. Cap. 119.]

[21st July, 1806.]

WHEREAS it is expedient that Ships not hitherto employed in carrying Slaves from the Coast of Africa, or contracted for to be employed in such Trade, should not be permitted to be cleared out from Great Britain for such purpose; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the 1st day of August, 1806, no Ship or Vessel shall be permitted to clear out from any Port in Great Britain for the Coast of Africa, for the purpose of shipping or carrying Slaves from the Coast of Africa, unless such Ship or Vessel shall have been, before the said 1st day of August, employed in the said Trade by the same Owner or Owners, or shall have been contracted for before the 10th day of June, 1806, for the purpose of being employed in the said Trade; and the proper Officers of Customs clearing out any Ship or Vessel after the said 1st day of August, from any Port in Great Britain, for the purpose of shipping and carrying Slaves from Africa, shall certify that such Ship or Vessel had been so employed or contracted for, and such Certificate shall be annexed to the Clearance.

II. And be it further enacted, that it shall be lawful for the Collector or Comptroller of any Port from which any Ship or Vessel shall be about to clear out for such Trade, to require proof on the

Oath of the Master or some one or more of the Owners of such Ship or Vessel (which Oath such Collector and Comptroller is hereby empowered to administer) that such Ship or Vessel has, before the said day, been employed in the said Trade by the same Owner or Owners, or shall have been contracted for before the 10th day of June, 1806.

III. And be it further enacted, that no Ship or Vessel shall be deemed or allowed by any Collector or Comptroller to have been contracted for as aforesaid, unless the Owner or Owners of the said Ship or Vessel shall, on or before the said 1st day of August, have made proof on Oath, to the satisfaction of Commissioners to be named by the Lords Commissioners of His Majesty's Treasury, and which Commissioners the said Lords Commissioners of His Majesty's Treasury are hereby authorized and required to appoint (and which Oath the said Commissioners are hereby empowered to administer) that such Ship or Vessel was actually and *bonâ fide* before the said 10th day of June contracted for, for the purpose of carrying Slaves from the Coast of Africa, and unless a Certificate of such proof having been made under the Hands and Seals of the said Commissioners, shall be produced to the said Collector or Comptroller.

IV. And be it further enacted, that the Owners of every Ship or Vessel not being so cleared out, and having such Certificate of Clearance as aforesaid, in which any Slave shall be shipped or carried from the Coast of Africa, contrary to the provisions of this Act, shall forfeit for every Slave so carried the Sum of £50, to be recovered as any like penalty may be recovered under any of the Acts of Parliament or Laws for the regulation of the African Slave-trade.

V. And whereas since the 1st day of January, 1806, some Vessels employed in the said Trade may either have been captured by the Enemy, or condemned as unfit for the Voyage: And whereas in some cases Contracts for Vessels in the place of those so captured or condemned may not have been made before the 10th day of June, 1806: And whereas Persons engaged in the African Trade, and having goods remaining on the Coast, or debts due to them from thence, which, up to the present time, they have considered as good and recoverable, may be unable to recover their said property, for want of Vessels to transport it; be it therefore enacted, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, upon sufficient proof of the said premises, made to them on Oath before the 1st day of August, 1806, to grant licence to such Persons to contract for and employ such Ship or Ships as they shall make appear to be necessary for securing or bringing away the said debts or effects, either by the purchase of Slaves or otherwise, so as that the Ship or Ships so to be contracted for, under such Licence, shall in no case exceed in tonnage the Ships captured or condemned, in the place of which they shall be

applied for, and shall be liable to all the regulations by Law established respecting the carrying of Slaves from Africa.

VI. And be it further enacted, that if any Person, upon any such examination on Oath, shall wilfully and corruptly give false evidence or shall wilfully and corruptly swear any matter or thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties, as by any Law now in being Persons convicted of wilful and corrupt perjury are subject and liable to.

VII. And be it further enacted, that this Act shall be and continue in force for the term of 2 years, and no longer, from and after the conclusion of the present Session of Parliament.

No. 3.—Act of the British Parliament “for the Abolition of the Slave Trade.”

[47 Geo. III. Cap. 36.]

[25th March, 1807.]

WHEREAS the two Houses of Parliament did, by their Resolutions of the 10th and 24th days of June, 1806, severally resolve, upon certain grounds therein mentioned, that they would, with all practical expedition, take effectual measures for the Abolition of the African Slave-trade, in such manner, and at such period as might be deemed advisable: and whereas it is fit upon all and each of the grounds mentioned in the said Resolutions, that the same should be forthwith abolished and prohibited, and declared to be unlawful; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the 1st day of May, 1807, the African Slave-trade, and all and all manner of dealing and trading in the purchase, sale, barter, or transfer of Slaves, or of Persons intended to be sold, transferred, used, or dealt with as Slaves, practised or carried on, in, at, to or from any part of the Coast or Countries of Africa, shall be, and the same is hereby utterly abolished, prohibited, and declared to be unlawful; and also that all and all manner of dealing, either by way of purchase, sale, barter, or transfer, or by means of any other contract or agreement whatever, relating to any Slaves, or to any Persons intended to be used or dealt with as Slaves, for the purpose of such Slaves or Persons being removed or transported either immediately or by transshipment at Sea or otherwise, directly or indirectly from Africa or from any Island, Country, Territory, or Place whatever, in the West Indies, or in any other part of America, not being in the dominion, possession, or occupation of His Majesty, to any other Island, Country, Territory, or Place whatever, is hereby in like manner utterly abolished, prohibited, and declared to be unlawful; and if any of His Majesty's Subjects, or any Person or Persons resident within this

United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesty's occupation or possession, shall, from and after the day aforesaid, by him or themselves, or by his or their Factors or Agents or otherwise howsoever, deal or trade in, purchase, sell, barter, or transfer, or contract or agree for the dealing or trading in, purchasing, selling, bartering, or transferring of any Slave or Slaves, or any Person or Persons intended to be sold, transferred, used, or dealt with as a Slave or Slaves contrary to the prohibitions of this Act, he or they so offending shall forfeit and pay for every such offence the sum of £100 of lawful money of Great Britain for each and every Slave so purchased, sold, bartered, or transferred, or contracted or agreed for as aforesaid, the one moiety thereof to the use of His Majesty, His Heirs and Successors, and the other moiety to the use of any Person who shall inform, sue, and prosecute for the same.

II. And be it further enacted, that from and after the said 1st day of May, 1807, it shall be unlawful for any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesty's possession or occupation, to fit out, man, or navigate, or to procure to be fitted out, manned, or navigated, or to be concerned in the fitting out, manning, or navigating, or in the procuring to be fitted out, manned, or navigated, any Ship or Vessel for the purpose of assisting in, or being employed in the carrying on of the African Slave trade, or in any other the dealing, trading, or concerns hereby prohibited and declared to be unlawful, and every Ship or Vessel which shall from and after the day aforesaid, be fitted out, manned, navigated, used, or employed by any such Subject or Subjects, Person or Persons, or on his or their account, or by his or their assistance or procurement for any of the purposes aforesaid, and by this Act prohibited, together with all her boats, guns, tackle, apparel, and furniture, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided.

III. And be it further enacted, that from and after the said 1st day of May, 1807, it shall be unlawful for any of His Majesty's Subjects, or any Person or Persons resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging, or in His Majesty's possession or occupation, to carry away or remove, or knowingly and wilfully to procure, aid, or assist in the carrying away or removing, as Slaves, or for the purpose of being sold, transferred, used, or dealt with as Slaves, any of the Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place in the West Indies, or any other part of America whatsoever, not being in the dominion, possession, or occupation of His Majesty, either immediately or by transshipment at Sea or otherwise, directly or indirectly from Africa, or from any such Island, Country, Territory, or Place as

aforesaid, to any other Island, Country, Territory, or Place whatever, and that it shall also be unlawful for any of His Majesty's Subjects, or any Person or Persons resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging, or in His Majesty's possession or occupation, knowingly and wilfully to receive, detain, or confine on board, or to be aiding, assisting, or concerned in the receiving, detaining, or confining on board of any Ship or Vessel whatever, any such Subject or Inhabitant as aforesaid, for the purpose of his or her being so carried away or removed as aforesaid, or of his or her being sold, transferred, used, or dealt with as a Slave, in any Place or Country whatever; and if any Subject or Inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place in the West Indies or America, not being in the dominion, possession or occupation of His Majesty, shall from and after the day aforesaid, be so unlawfully carried away or removed, detained, confined, transhipped, or received on board of any Ship or Vessel belonging in the whole or in part to, or employed by, any Subject of His Majesty, or Person residing in His Majesty's Dominions or Colonies, or any Territory belonging to or in the occupation of His Majesty, for any of the unlawful purposes aforesaid, contrary to the force and effect, true intent and meaning of the prohibitions in this Act contained, every such Ship or Vessel in which any such Person or Persons shall be so unlawfully carried away or removed, detained, confined, transhipped, or received on board for any of the said unlawful purposes, together with all her boats, guns, tackle, apparel, and furniture, shall be forfeited, and all property or pretended property in any Slaves or Natives of Africa so unlawfully carried away or removed, detained, confined, transhipped or received on board, shall also be forfeited, and the same respectively shall and may be seized and prosecuted as hereinafter is mentioned and provided; and every Subject of His Majesty, or Person resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesty's possession or occupation who shall, as Owner, Part Owner, Freighter or Shipper, Factor or Agent, Captain, Mate, Supercargo, or Surgeon, so unlawfully carry away, or remove, detain, confine, tranship, or receive on board, or be aiding or assisting in the carrying away, removing, detaining, confining, transshipping, or receiving on board for any of the unlawful purposes aforesaid, any such Subject or Inhabitant of Africa, or of any Island, Country, Territory, or Place, not being in the dominion, possession, or occupation of His Majesty, shall forfeit and pay for each and every Slave or Person so unlawfully carried away, removed, detained, confined, transhipped, or received on board, the sum of £100 of lawful money of Great Britain, one moiety thereof to the use of His

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Majesty, and the other moiety to the use of any Person who shall inform, sue, and prosecute for the same.

IV. And be it further enacted, that if any Subject or Inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place, not being in the dominion, possession, or occupation of His Majesty, who shall, at any time from and after the day aforesaid, have been unlawfully carried away or removed from Africa, or from any Island, Country, Territory, or Place, in the West Indies or America, not being in the dominion, possession, or occupation of His Majesty, contrary to any of the prohibitions or provisions in this Act contained, shall be imported or brought into any Island, Colony, Plantation, or Territory, in the dominion, possession, or occupation of His Majesty, and there sold or disposed of as a Slave or Slaves, or placed, detained, or kept in a state of Slavery, such Subject or Inhabitant, Subjects or Inhabitants, so unlawfully carried away, or removed and imported, shall and may be seized and prosecuted, as forfeited to His Majesty, by such Person or Persons, in such Courts, and in such manner and form, as any goods or merchandise unlawfully imported into the same Island, Colony, Plantation, or Territory, may now be seized and prosecuted therein, by virtue of any Act or Acts of Parliament now in force for regulating the navigation and trade of His Majesty's Colonies and Plantations, and shall and may, after his or their condemnation, be disposed of in manner hereinafter mentioned and provided.

V. And be it further enacted, that from and after the said 1st day of May, 1807, all insurances whatsoever to be effected upon or in respect to any of the trading, dealing, carrying, removing, transshipping, or other transactions by this Act prohibited, shall be also prohibited and declared to be unlawful; and if any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or within any of the Islands, Colonies, Dominions, or Territories thereunto belonging, or in His Majesty's possession or occupation, shall knowingly and wilfully subscribe, effect, or make, or cause or procure to be subscribed, effected, or made, any such unlawful insurances or insurance, he or they shall forfeit and pay for every such offence the sum of £100 for every such insurance, and also treble the amount paid or agreed to be paid as the premium of any such insurance, the one moiety thereof to the use of His Majesty, his Heirs and Successors, and the other moiety to the use of any Person who shall inform, sue, and prosecute for the same.

VI. Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to prohibit or render unlawful the dealing or trading in the purchase, sale, barter or transfer, or the carrying away or removing for the purpose of being sold, transferred, used, or dealt with as Slaves, or the detaining or confining for the pur-

pose of being so carried away or removed, of any Slaves which shall be exported, carried, or removed from Africa, in any Ship or Vessel which, on or before the said 1st day of May, 1807, shall have been lawfully cleared out from Great Britain according to the Law now in force for regulating the carrying of Slaves from Africa, or to prohibit or render unlawful the manning or navigating any such Ship or Vessel, or to make void any insurance thereon, so as the Slaves to be carried therein shall be finally landed in the West Indies on or before the 1st day of March, 1808, unless prevented by capture, the loss of the Vessel, by the appearance of an Enemy upon the Coast, or other unavoidable necessity, the proof whereof shall lie upon the Party charged; any thing hereinbefore contained to the contrary notwithstanding.

VII. And whereas it may happen, that during the present or future Wars, Ships or Vessels may be seized or detained as Prize, on board whereof Slaves or Natives of Africa, carried and detained as Slaves, being the property of His Majesty's Enemies, or otherwise liable to condemnation as Prize of War, may be taken or found, and it is necessary to direct in what manner such Slaves or Natives of Africa shall be hereafter treated and disposed of: And whereas it is also necessary to direct and provide for the treatment and disposal of any Slaves or Natives of Africa carried, removed, treated or dealt with as Slaves, who shall be unlawfully carried away or removed contrary to the prohibitions aforesaid, or any of them, and shall be afterwards found on board any Ship or Vessel liable to seizure under this Act, or any other Act of Parliament made for restraining or prohibiting the African Slave-trade, or shall be elsewhere lawfully seized as forfeited under this or any other such Act of Parliament as aforesaid; and it is expedient to encourage the Captors, Seizors, and Prosecutors thereof; be it therefore further enacted, that all Slaves and all Natives of Africa, treated, dealt with, carried, kept, or detained as Slaves which shall at any time from and after the said 1st day of May next be seized or taken as Prize of War, or liable to forfeiture, under this or any other Act of Parliament made for restraining or prohibiting the African Slave-trade, shall and may, for the purposes only of seizure, prosecution, and condemnation as Prize or as Forfeitures, be considered, treated, taken, and adjudged as Slaves and property in the same manner as Negro Slaves have been heretofore considered, treated, taken, and adjudged, when seized as Prize of War, or as forfeited for any offence against the Laws of Trade and Navigation respectively, but the same shall be condemned as Prize of War, or as forfeited to the sole use of His Majesty, his Heirs and Successors, for the purpose only of divesting and barring all other property, right, title, or interest whatever, which before existed, or might afterwards be set up or claimed in or to such Slaves or Natives of Africa so seized, prosecut-

ed, and condemned; and the same nevertheless shall in no case be liable to be sold, disposed of, treated, or dealt with as Slaves, by or on the part of His Majesty, His Heirs, or Successors, or by or on the part of any Person or Persons claiming or to claim from, by or under His Majesty, His Heirs and Successors, or under or by force of any such Sentence of Condemnation: Provided always, that it shall be lawful for His Majesty, His Heirs, and Successors, and such Officers, Civil or Military, as shall, by any general or special Order of the King in Council, be from time to time appointed and empowered to receive, protect, and provide for such Natives of Africa as shall be so condemned, either to enter and enlist the same, or any of them, into His Majesty's Land or Sea Service, as Soldiers, Seamen, or Marines, or to bind the same, or any of them, whether of full age or not, as Apprentices, for any term not exceeding 14 years, to such Person or Persons, in such Place or Places, and upon such terms and conditions, and subject to such regulations, as to His Majesty shall seem meet, and as shall by any general or special Order of His Majesty in Council be in that behalf directed and appointed; and any Indenture of Apprenticeship duly made and executed, by any Person or Persons to be for that purpose appointed by any such Order in Council, for any term not exceeding 14 Years, shall be of the same force and effect as if the Party thereby bound as an Apprentice had himself or herself, when of full age upon good consideration, duly executed the same; and every such Native of Africa who shall be so enlisted or entered as aforesaid into any of His Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

VIII. Provided also, and be it further enacted, that where any Slaves or Natives of Africa taken as Prize of War by any of His Majesty's Ships of War, or Privateers duly commissioned, shall be finally condemned as such to His Majesty's use as aforesaid, there shall be paid to the Captors thereof by the Treasurer of His Majesty's Navy, in like manner as the bounty called head money is now paid by virtue of an Act of Parliament, made in the 45th Year of His Majesty's Reign, intituled, "An Act for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War," such bounty as His Majesty, His Heirs, and Successors, shall have directed by any Order in Council, so as the same shall not exceed the sum of £40 lawful money of Great Britain for every Man, or £30 of like money for every Woman, or £10 of like money for every Child or Person not above 14 Years old, that shall be so taken and condemned, and shall be delivered over in good health to the proper Officer or Officers, Civil or Military, so appointed as aforesaid to receive, protect, and provide for the same; which bounties shall be divided amongst the Officers, Seamen, Marines, and Soldiers

on board His Majesty's Ships of War, or hired armed Ships, in manner, form, and proportion, as by His Majesty's Proclamation for granting the distribution of Prizes already issued, or to be issued for that purpose is or shall be directed and appointed, and amongst the Owners, Officers, and Seamen, of any private Ship or Vessel of War, in such manner and proportion as, by an agreement in writing that they shall have entered into for that purpose, shall be directed.

IX. Provided always, and be it further enacted, that in order to entitle the Captors to receive the said bounty money, the numbers of men, women, and children, so taken, condemned, and delivered over, shall be proved to the Commissioners of His Majesty's Navy, by producing, instead of the Oaths and Certificates prescribed by the said Act as to head money, a Copy, duly certified, of the Sentence or Decree of Condemnation, whereby the numbers of men, women, and children, so taken and condemned, shall appear to have been distinctly proved; and also, by producing a Certificate under the hand of the said Officer or Officers, Military or Civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to His Majesty's Instructions and Regulations as aforesaid.

X. Provided also, and be it further enacted, that in any cases in which doubts shall arise whether the Party or Parties claiming such bounty money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, or by the Judge of any Court of Admiralty in which the Prize shall have been adjudged, subject nevertheless to an Appeal to the Lords Commissioners of Appeals in Prize Causes.

XI. Provided also, and be it further enacted, that on the condemnation to the use of His Majesty, His Heirs, and Successors, in manner aforesaid, of any Slaves or Natives of Africa, seized and prosecuted as forfeited for any offence against this Act, or any other Act of Parliament made for restraining or prohibiting the African Slave-trade (except in the case of seizures made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War) there shall be paid to and to the use of the Person who shall have sued, informed, and prosecuted the same to condemnation, the sums of £13 lawful money aforesaid for every Man, of £10 like money for every Woman, and of £3 like money for every Child or Person under the age of 14 years, that shall be so condemned and delivered over in good health to the said Civil or Military Officer so to be appointed to receive, protect, and provide for the same, and also the like sums to and to the use of the Governor or Commander-in-Chief of any Colony or Plantation wherein such seizure shall have been made; but in cases of any such seizures made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War, for forfeiture under this Act, or any other Act

of Parliament made for restraining or prohibiting the African Slave-trade, there shall be paid to the Commander or Officer who shall so seize, inform, and prosecute, for every Man so condemned and delivered over, the sum of £20 like money, for every Woman the sum of £15 like money, and for every Child or Person under the age of 14 years the sum of £5 like money, subject nevertheless to such distribution of the said bounties or rewards for the said seizures made at Sea as His Majesty, His Heirs, and Successors, shall think fit to order and direct by any Order in Council made for that purpose; for all which payments so to be made as bounties or rewards upon seizures and prosecutions for offences against this Act, or any other Act of Parliament made for restraining or abolishing the African Slave-trade, the Officer or Officers, Civil or Military, so to be appointed as aforesaid to receive, protect, and provide for such Slaves or Natives of Africa so to be condemned and delivered over, shall, after the condemnation and receipt thereof as aforesaid, grant Certificates in favor of the Governor and Party seizing, informing, and prosecuting as aforesaid respectively, or the latter alone (as the case may be) addressed to the Lords Commissioners of His Majesty's Treasury; who, upon the production to them of any such Certificate, and of an authentic Copy, duly certified, of the Sentence of Condemnation of the said Slaves or Africans to His Majesty's use as aforesaid, and also of a receipt under the hand of such Officer or Officers so appointed as aforesaid, specifying that such Slaves or Africans have by him or them been received in good health as aforesaid, shall direct payment to be made from and out of the Consolidated Fund of Great Britain of the amount of the monies specified in such Certificate, to the lawful holders of the same, or the Persons entitled to the benefit thereof respectively.

XII. And be it further enacted, that if any Person shall wilfully and fraudulently forge or counterfeit any such Certificate, Copy of Sentence of Condemnation, or Receipt as aforesaid, or any part thereof, or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud His Majesty, His Heirs, and Successors, or any other Person or Persons whatever, the Party so offending shall, on conviction, suffer death as in cases of felony, without benefit of clergy.

XIII. And be it further enacted, that the several pecuniary penalties or forfeitures imposed and inflicted by this Act, shall and may be sued for, prosecuted, and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty in any part of His Majesty's Dominions wherein the offence was committed, or where the Offender may be found after the commission of such offence; and that in all cases of seizure of any Ships, Vessels, Slaves or pretended Slaves, goods or effects, or any forfeiture under this Act, the same shall and may respectively be sued for, prosecuted and recovered in

any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty in any part of His Majesty's Dominions in or nearest to which such seizures may be made, or to which such Ships or Vessels, Slaves or pretended Slaves, Goods, or Effects (if seized at Sea or without the limits of any British jurisdiction) may most conveniently be carried for Trial, and all the said penalties and forfeitures, whether pecuniary or specific (unless where it is expressly otherwise provided for by this Act) shall go and belong to such Person and Persons in such shares and proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner and by the same ways and means, and subject to the same rules and directions, as any penalties or forfeitures incurred in Great Britain, and in the British Colonies or Plantations in America respectively, by force of any Act of Parliament relating to the trade and revenues of the said British Colonies or Plantations in America, now go and belong to and may now be sued for, prosecuted, tried, recovered, distributed and applied respectively in Great Britain or in the said Colonies or Plantations respectively, under and by virtue of a certain Act of Parliament made in the 4th year of His present Majesty, intituled, "An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual an Act passed in the 6th year of the Reign of His late Majesty King George the IInd, intituled, 'An Act for the better securing and encouraging the trade of His Majesty's Sugar Colonies in America; for applying the produce of such Duties to arise by virtue of the said Act towards defraying the expences of defending, protecting, and securing the said Colonies and Plantations;' for explaining an Act made in the 25th year of the Reign of King Charles the IInd, intituled, 'An Act for the encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade, and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and Great Britain.'"

XIV. And be it further enacted, that all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed, or dealt with as Slaves, and all other goods and effects that shall or may become forfeited for any offence committed against this Act, shall and may be seized by any Officer of His Majesty's Customs or Excise, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War, who, in making and prosecuting any such seizures, shall have the benefit of all the provisions made by the said Act of the 4th year of His present Majesty, or any other Act of Parliament made for the protection of Officers seizing and prosecuting for any offence against the said Act,

or any other Act of Parliament relating to the trade and revenues of the British Colonies or Plantations in America.

XV. And be it further enacted, that all offences committed against this Act may be inquired of, tried, determined, and dealt with as Misdemeanors, as if the same had been respectively committed within the body of the County of Middlesex.

XVI. Provided also, and be it further enacted, that it shall and may be lawful for His Majesty in Council, from time to time to make such Orders and Regulations for the future disposal and support of such Negroes as shall have been bound Apprentices under this Act, after the term of their Apprenticeship shall have expired, as to His Majesty shall seem meet, and as may prevent such Negroes from becoming at any time chargeable upon the Island in which they shall have been so bound Apprentices as aforesaid.

XVII. Provided always, and be it further enacted, that none of the provisions of any Act as to enlisting for any limited period of service, or as to any rules or regulations for the granting any pensions or allowances to any Soldiers discharged after certain periods of service, shall extend, or be deemed or construed in any manner to extend, to any Negroes so enlisted and serving in any of His Majesty's Forces.

XVIII. And be it further enacted, that if any action or suit shall be commenced either in Great Britain or elsewhere, against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such action or suit may plead the General Issue, and give this Act and the special matter in evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited or discontinue his action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any verdict or demurrer against the Plaintiff, the Defendant or Defendants shall recover treble costs and have the like remedy for the same, as Defendants have in other cases by Law.

No. 4.—Act of the British Parliament, “for transferring to His Majesty, certain Possessions and Rights vested in the Sierra Leone Company, and for shortening the duration of the said Company, and for preventing any dealing or trafficking in the buying or selling of Slaves within the Colony of Sierra Leone.”

[47 Geo. III. Cap. XLIV.]

[8th August, 1807.]

WHEREAS by an Act passed in the 31st year of His present Majesty's Reign, intituled, “An Act for establishing a Company for carrying on Trade between the Kingdom of Great Britain and the Coasts, Harbours,

and Countries of Africa, and for enabling the said Company to hold by Grant from His Majesty, His Heirs, and Successors, and from the Native Princes of Africa, a certain district of land, commonly called "The Peninsula of Sierra Leone," now vested in His Majesty or belonging to the said Princes, for the better enabling the said Company to carry on the said Trade," it was amongst other things enacted, that the several Persons therein named and described should be, and they were thereby created one distinct and separate Body Politic and Corporate, by the name or style of "The Sierra Leone Company"; and it was also enacted, that it should be lawful for His Majesty, His Heirs and Successors, to make unto the said Company a Grant, by Letters Patent under the Great Seal of Great Britain, of so much and such part of all that tract or district of land, situate and being at Sierra Leone on the Coast of Africa, and commonly called or known by the name or description of "The Peninsula of Sierra Leone," as then already might have, or should thereafter, by any grant, purchase, or cession from any of the Kings, Princes, or Chiefs, having right, become vested in His Majesty, His Heirs or Successors, with power and liberty to and for the said Company to purchase of and from all Kings, Princes, and Chiefs, or other Persons having right to make sale thereof, so much land as should include the whole tract or district so commonly called or known by the name of "The Peninsula of Sierra Leone" as aforesaid, to hold the same to the said Company and their Assigns, upon such terms, conditions, and reservations, as His Majesty, His Heirs and Successors, should judge expedient; and it was thereby further enacted, that the said Act should take place and have continuance from the 1st day of July, 1791, for the term of 31 years, and from thence to the end of the next Session of Parliament: and whereas by Letters Patent, bearing date the 5th day of July, in the 41st year of His Majesty's Reign, His Majesty, by virtue and in pursuance of the said Act, did give and grant unto the said Company, their Successors and Assigns, the aforesaid tract and district of land, with liberty and privilege to purchase lands in addition thereto as aforesaid, all which lands His Majesty by the said Letters Patent did make, erect, and create one independent and separate Colony, by the name of "The Colony of Sierra Leone," and did ordain, will, and establish, that the Court of Directors of the said Company assembled for that purpose should and might make, enact, and declare Laws, Statutes, and Ordinances fit and necessary for and concerning the Government of the said Colony, and might appoint a Governor and Council for the Government of the said Colony; and His Majesty did give and grant that there should be within the Town of Free Town one Body Politic and Corporate, by the name and style of The Mayor and Aldermen of Free Town, with power to hold a Court of Record, by the name of The Mayor's Court of Free Town, and divers other Officers to assist

in the administration of Justice, and in the government of the said Colony, under the superintendence and controul of the Court of Directors of the said Company: and whereas the said Company, convinced of the expediency of relinquishing the government and management of the said Colony, have expressed a desire to make, and have humbly intreated His Majesty to accept a surrender to His Majesty of all the tract or district of land granted to them by the said Letters Patent, or of which the said Company are possessed, or which they do now enjoy by purchase or otherwise, in addition to the said Lands so granted to the said Company; and they are further desirous that their existence as a Body Politic and Corporate should cease and determine within such period of time, shorter than that limited and declared in and by the said Statute, as is deemed by the said Company sufficient for them to settle their affairs; for confirming and giving effect to such intended surrender, and for limiting the duration of the said Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Letters Patent and Grant, and every matter, clause, and thing therein contained, shall, and the same are hereby declared to be henceforth null and void; and the said Company shall be, and they are hereby divested of and from all that tract or district of land commonly called and known by the name or description of "The Peninsula of Sierra Leone," and all Forts, Castles, Buildings, or Estate, which have been since purchased or otherwise acquired by the said Company in addition thereto, or which now are possessed or claimed by the said Company in or about the said Peninsula; and the said tract or district of land, and all Forts, Castles, Buildings, or Estate so purchased or otherwise acquired, possessed, enjoyed, or claimed by the said Company, shall henceforth be, and the same and every of them are and is hereby declared and enacted to be fully and absolutely vested in His Majesty, His Heirs and Successors, for ever.

II. And be it further enacted, that, at the expiration of 7 years from and after the passing of this Act, the said Sierra Leone Company shall cease to be a Body Politic and Corporate, to all intents, constructions, and purposes whatsoever; any thing in the said Act to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, that in case any difference shall arise respecting any building or buildings as aforesaid, whether the same is or are such as within the meaning of this Act are to be surrendered by the said Company, and vested in His Majesty, His Heirs and Successors, it shall and may be lawful for the Governor that shall be appointed by His Majesty for the Government of the said Colony,

or in his absence for the Lieutenant-Governor, and he is hereby authorized and required, after due examination of the matter, to determine whether any such building or buildings is or are to be surrendered and vested in His Majesty, His Heirs and Successors, or to remain in the possession of the said Company; and such determination shall be final.

IV. Provided always, and be it further enacted, that it shall not be lawful for any Person or Persons whatsoever, inhabiting, or being, or who shall at any time hereafter inhabit or be within the said Peninsula or Colony of Sierra Leone, either directly or indirectly, to deal or traffic in, buy or sell, or to be aiding or assisting in the dealing or trafficking in the buying or selling of Slaves, either within the said Peninsula or elsewhere.

No. 5. — *Act of the British Parliament, for "rendering more effectual an Act made in the 47th Year of His Majesty's Reign, intituled, "An Act for the Abolition of the Slave-trade."*

[51 Geo. III. Cap. XXIII.]

[14th May, 1811.]

WHEREAS the two Houses of Parliament did, by their Resolutions of the 10th and 24th days of June, 1806, severally resolve, That the African Slave-trade being contrary to the principles of justice, humanity, and sound policy, they would, with all practicable expedition, take effectual measures for the abolition of the same: And whereas, in conformity with the said Resolutions, and for all and each of the reasons therein stated, the said Trade was, by an Act passed in the 47th year of His present Majesty, declared to be unlawful: And whereas, it hath been found that divers Persons, not deterred by the Provisions and Penalties of the said Act, do still continue to deal and trade in Slaves upon the Coast of Africa and elsewhere, and to carry them for sale by Sea: And whereas, the Commons House of Parliament, by its Resolution of the 15th of June, 1810, did express its indignation at such practices, and did resolve speedily to take into consideration such Measures as might tend effectually to prevent such daring violations of the Law: And whereas, it is fit that such Measures should be extended also to the effectual abolition of the Slave-trade, wheresoever it may be attempted to practice it; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any Subject or Subjects of His Majesty, or if any Person or Persons residing or being within this United Kingdom, or in any of the Islands, Colonies, Dominions, Ports, Settlements, Factories, or Territories now, or hereafter belonging thereto, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants trading to the East Indies, shall,

from and after the 1st day of June next, by him or themselves, his or their Factors or Agents, or otherwise howsoever, carry, remove, or aid or assist in the carrying away or removing, or Slaves, or for the purpose of being sold, transferred, used, or with as a Slave or Slaves, any Person or Persons whatsoever, from any part of Africa, or from any other Country, Territory, or Place whatsoever, either immediately, or by transshipment at sea or directly or indirectly; or shall import or bring, or aid in the importing or bringing into any Island, Colony, Country, Territory, or Place whatsoever, any such Person or Persons as a Slave or Slaves; or shall knowingly and wilfully use any such Ship or Vessel to be used or employed in carrying away or removing, importing or bringing as aforesaid any such Person or Persons, as a Slave or Slaves, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves; or shall knowingly and wilfully use or permit to be used or employed, or let or take to freight, any Ship or Vessel to be used or employed in carrying away or removing, importing or bringing, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves; or shall fit out, or cause to be fitted out, or send on board, or be in the charge or command of, or navigate, or enter and embark on board any such Ship or Vessel, as Master, or Captain, Mate, or Surgeon, knowing that such Ship or Vessel is actually or is, in the same voyage for which he or they shall so enter or be on board, intended to be employed in carrying away or importing or bringing as aforesaid any such Person or Persons, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a Slave or Slaves; then, and in every such case, the Person or Persons so offending, and their Counsellors and Abettors, shall be, and are, hereby, declared to be Felons, and shall be transported beyond seas for a term not exceeding 14 years, or be confined and kept to hard labour for a term not exceeding nor less than 3 years, at the discretion of the Court before which the Offender or Offenders shall be tried and convicted.

II. Provided always, and be it further enacted by the authority aforesaid, that if any Person or Persons shall, from and after the 1st day of May next, enter or navigate, or embark on board any such Ship or Vessel, as aforesaid, and be used and employed, or meant and intended to be used as aforesaid, as a Petty Officer, Servant, or Seaman, or as a Soldier, or as a Ship's Boy, or as a Steward, or as a Cook, or as a Carpenter, or as a Sailor, or as a Servant, or as a Seaman, knowing that such is or shall be the use or intended use of the Ship or Vessel, or for any one of the purposes of the voyage, or if any Person or

underwrite, or procure to be underwritten, any Policy of Assurance upon any Ship or Vessel, or goods, or the freight of any Ship or Vessel employed, or intended to be employed, in any such voyage; knowing that such is, or shall be the purpose, or one of the purposes of the said voyage, he or they nevertheless shall not be deemed guilty of a Felony, within the meaning of this Act, but shall be, and they are hereby declared to be, guilty of a Misdemeanor only, and shall be punished by imprisonment for a term not exceeding 2 years.

III. And it is hereby further enacted and declared, that such Persons shall not be deemed to be nor shall be punished as Accessories to Felony; any thing in this present Act to the contrary thereof notwithstanding.

IV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend, to subject any Person or Persons to the pains and penalties hereby imposed for exporting, removing or carrying from any present or future British Island, Colony or Settlement in the West Indies, to any other present or future British Island, Colony or Settlement in the West Indies, or from one part of such British Island Colony or Settlement in the West Indies, to any other part of the same Island, Colony or Settlement, or for importing or transporting into or landing in any such Island, Colony or Settlement, any Slave or Slaves which have been or shall be born within such Islands, Colonies or Settlements, or any Slave or Slaves which shall have been or may be lawfully imported or brought into the said Islands, Colonies or Settlements, or for removing or carrying any Slave or Slaves from one part of any Foreign Island, Colony or Settlement, to another part of the same Foreign Island, Colony or Settlement, or for transshipping and assisting at Sea any Slave or Slaves, which shall be in any Ship or Vessel in distress: Provided also, that nothing in this Act contained shall extend to prevent the transportation to any Foreign Colony or Place, of any Slave or Slaves that shall have been convicted by due course of Law in any present or future British Island or Colony, of any crime to which the punishment of transportation is or shall be annexed by the Law of such Island or Colony, but in every such case a Copy of the Judgment or Sentence certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such Convict shall be transported.

V. Provided also, and be it further enacted, that nothing hereinbefore contained shall extend, or be construed to extend, to subject any Person or Persons to the pains and penalties hereby imposed for any thing done or to be done in Africa, West of the Cape of Good Hope, or in the West Indies, or America to the East of Cape Horn, on or before the 1st day of September next; nor for any thing

done or to be done in the East Indies, the Island of Madagascar, Ports and Places of Africa to the East of the Cape of Good Hope, the Islands of Mauritius and Bourbon, and the Islands in the Indian Seas, on or before the 1st day of January next; nor for anything done or to be done in New Holland, the Islands in the South Seas, or the Coast of America to the West of Cape Horn, on or before the 1st day of May, in the year 1812; nor for any thing done or to be done in the High Seas, on board of any Ship or Vessel which hath or shall have sailed last from any Port in Great Britain or any Land on or before the 1st day of June next, or from any other Port or Place in Europe, on or before the 1st day of July next; or from any Port or Place in Africa West of the Cape of Good Hope, or the East Indies or America to the East of Cape Horn, on or before the 1st day of August next; or from any Port or Place in the East Indies, Madagascar, the Islands of Mauritius and Bourbon, the Coast of Africa to the East of the Cape of Good Hope, and the Islands in the Indian Seas, on or before the 1st day of January next; or from any Port or Place in New Holland, the Islands in the South Seas, the Coast of America to the West of Cape Horn, on or before the 1st day of May, in the year 1812.

VI. And be it further enacted and declared, that all Offences hereinbefore declared to be Felonies or Misdemeanors, which shall be committed in Africa, or in any Country, Territory or Place, other than this United Kingdom, or on the High Seas, or in any Port, Sea, or Place, where the Admiral has jurisdiction, shall and may be tried and punished as the Court or Courts of Law may require of, either according to the ordinary course of Law, and the Provisions of an Act passed in the 28th year of the Reign of King Henry the VIIIth, intituled, "An Act for Pirates," or according to the Provisions of an Act passed in the 33rd year of the Reign of King Henry the VIIIth, intituled, "An Act to proceed, by Commission of Oyer and Terminer, against such Persons as shall confess Treason or Felony, without remanding the same to be tried in the Shire where the Offence was committed," so far as the same Act is now unrepealed, or according to the Provisions of an Act passed in the 11th and 12th years of the Reign of his late Majesty King William the Third, intituled, "An Act passed for the more effectual Suppression of Piracy."

VII. Provided always, and it is hereby further enacted and declared, that nothing herein contained shall be construed to repeal, alter, or amend the said Act of the 47th year of his present Majesty, or any Act made in the 46th year of his present Majesty, for preventing the Transportation of Slaves by any of His Majesty's Subjects into any Colonies, Plantations, or Territories belonging to any Foreign Prince or Power, in respect of any Forfeitures of Ships or Vessels, Cargo, Goods, or Effects, thereby respectively imposed for any offence

the said Acts, or either of them, or the remedies thereby given for the recovery thereof, or in respect of any pecuniary penalties thereby imposed; but that the said Acts shall, in all other respects, be deemed and taken to be in full force, except so far as the said Act of the 46th year of his present Majesty is altered, or extended by the said Act of the 47th year of his said Majesty.

VIII. And whereas it is in and by the said Acts respectively enacted, that all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed, or dealt with as Slaves, and all other goods and effects that shall or may become forfeited for any offence committed against the said Acts respectively, shall and may be seized by any Officer of His Majesty's Customs or Excise, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War: And whereas Ships and Vessels, Slaves, Goods, and Effects, liable to seizure and forfeiture under the said Acts, for offences committed on the Coast of Africa, may be safely navigated, carried, or kept, upon or near to the said Coast, or in the Ports, Havens, or Rivers thereof, in contempt of the said Acts, by reason of the want of Officers of the Customs or Excise, or of His Majesty's Ships or Vessels of War stationed on the said Coast, or on such parts thereof as may be visited by such Offenders; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for all Governors or Persons having the chief command, Civil or Military, of any of the Colonies, Settlements, Forts, or Factories, belonging to His Majesty, or to the African Company in Africa, or any African Island, and for all Persons deputed and authorized by any such Governor or Commander-in-Chief, to seize and prosecute all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed, or dealt with as Slaves, and all goods and effects whatsoever that shall or may become forfeited for any offence committed against the said Acts of Parliament, or either of them, and which shall be found upon or near to the said Coast, or in any Port, Haven, or River thereof, or within the limits of any of the said Colonies, Settlements, Forts, or Factories, which Governor or Commander-in-Chief, and all Persons by them so deputed and authorized, shall, in making and prosecuting any such seizures, have the benefit of all the Provisions made by the said Acts of Parliament, or by an Act of the 4th year of His present Majesty therein recited, or by any other Act of Parliament for the protection of Officers seizing and prosecuting for any offence against the said last mentioned Act, or any other Act of Parliament relating to the Trade and Revenues of the British Colonies or Plantations in America.

IX. Provided also, and be it further enacted by the authority aforesaid, that if any Person or Persons, sailing or being in the capacity of a Petty Officer, or Petty Officer's Servant or Servants, Sea-

man or Seamen, on board of any Ship or Vessel fitted out engaged in the unlawfully carrying, removing, trading, or dealing in Slaves, shall, within 3 months after the arrival of the said Ship at any Port belonging to His Majesty, give information on oath before any competent Magistrate, against any Owner or Part Owner, or any Captain, Mate, Surgeon, or Supercargo of such Ship or Vessel, who shall have committed any offence against this Act, and shall give evidence on Oath against such Owner or Part Owner, Captain, Mate, Surgeon, and Supercargo, before any Magistrate or Court before whom such Offender may be tried; or if such Person or Persons so sailing as aforesaid, in the capacity of a Captain, Officer or Petty Officers, Mariner or Mariners, Servant or Servants, shall within 3 months after his or their arrival at any Port or Place not within His Majesty's Dominions, give information to one of His Majesty's Ambassadors, Ministers Plenipotentiary, Extraordinary, Chargés d'Affaires, Consuls, Residents, or other Agents, so that such Person or Persons owning such Ship or Vessel, or navigating or taking charge of the same, as Captain, Mate, Surgeon, or Supercargo, may be apprehended, such Person or Persons so giving such information and evidence shall not be liable to any of the pains or penalties of this Act, or any fine or other punishment under the said Act, passed in the 46th and 47th years of His present Majesty, or either of them, but shall be wholly discharged therefrom, and His Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Chargés d'Affaires, Consuls, Residents or other Agents, are hereby required to receive such information as aforesaid, and to transmit the particulars thereof without delay, to one of His Majesty's Principal Secretaries of State, and to transmit Copies of the same to the Commanders of His Majesty's Ships or Vessels then being in the said Port or Place.

No. 6.—Act of the British Parliament, “to enlarge the Time for commencing Prosecutions for Forfeitures under certain Acts relating to the Abolition of the Slave-trade.”

[53 Geo. III. Cap. CXII.]

[10th July, 1806]

WHEREAS by an Act passed in the 46th year of the Reign of His present Majesty, intituled “An Act to prevent the Importation of Slaves, by any of His Majesty's Subjects, into any Islands, Colonies, Plantations, or Territories belonging to any Foreign Sovereign, State, or Power; and also to render more effectual a certain Order made by His Majesty in Council, on the 15th day of August, 1806, for prohibiting the Importation of Slaves (except in certain cases) into any of the Settlements, Islands, Colonies, or Plantations, on the Continent of America, or in the West Indies, which have been surrendered to His Majesty's Arms during the present War; and to prevent the fitting out of Foreign Slave Ships from the British Ports.”

whereas by another Act passed in the 47th year of the Reign of His present Majesty, intituled "An Act for the Abolition of the Slave-trade;" various penalties are imposed on Persons offending against the Provisions of the said Acts respectively: and the Ships or Vessels and Boats employed in such offences, and the goods, wares, merchandizes, and commodities on board the same, are, in various cases, subjected to forfeiture, and to be seized and prosecuted as forfeited: And whereas the time limited by Law for Prosecutions, in such cases, is found by experience to be too short, in respect of offences committed against the said Acts. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all actions, suits, bills, indictments or informations, for the recovery of any of the penalties or forfeitures provided or imposed by the said Acts of the 46th and 47th years of the Reign of His said Majesty, or either of them, and which shall be incurred after the passing of this Act, may be commenced, had, brought, sued, exhibited, or prosecuted, at any time within 3 years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred; any thing in this or the said recited Acts, or in any other Act contained to the contrary thereof notwithstanding.

No. 7.—Act of the British Parliament, "to allow Ships taken and condemned for being used in carrying on the Slave-trade to be registered as British-built Ships."

[54 Geo. III. Cap. 59.]

[27th May, 1814.]

WHEREAS it is expedient that Ships and Vessels condemned for breach of any Law now in force relating to the Slave-trade should be entitled to all the privileges and advantages of British Ships, in like manner in every respect as Ships and Vessels taken and condemned as Prizes of War; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all Ships or Vessels, whether British or Foreign, which shall at any time after the passing of this Act become forfeited under any of the Provisions of any Act or Acts of Parliament now in force, or which may hereafter be passed for the prevention, abolition, or regulation of the Slave-trade, and be adjudged to be forfeited in any Court of Record in Great Britain, or which shall be condemned as forfeited in any Court of Admiralty or Vice Admiralty in any part of His Majesty's Dominions, for any offence in relation to the Slave-trade, shall, from and after such Judgement or Condemnation respectively, be entitled to a Certificate of Registry as a British Ship, and thereupon have and enjoy

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all the privileges and advantages of British-built Ships and Vessels in like manner with Ships and Vessels taken by His Majesty's Ships of War, and condemned as lawful Prize of War in Courts of Admiralty. Provided always, that all such Ships and Vessels shall be subject to the same duties and regulations, and shall be registered in the same manner and form, and subject to the same conditions and restrictions, penalties and forfeitures, and shall be in like manner owned and navigated. Ships and Vessels condemned as lawful Prize are directed and required to be, in order to their obtaining British Registers and enjoying the privileges of British Ships, owned, registered, and navigated according to Law.

No. 8.—Act of the British Parliament, "to provide for the support of captured Slaves during the Period of Adjudication."

[55 Geo. III. Cap. 172.]

[11th July, 1807.]

WHEREAS the Acts now in force for the abolition of the Slave-trade have not sufficiently provided for the support and maintenance of Slaves during the time when they may be waiting adjudication as Prize of War, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against under and by virtue of any Law: and whereas it is expedient that further provisions be made, in order to insure the necessary support and maintenance for such Slaves during the time they may be so waiting adjudication; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, when any Native or Natives of Africa, or other Person or Persons held or treated as Slaves, within the Provisions of any Act of Parliament passed for the abolition of the Slave-trade, shall be captured or seized as Prize of War, or as forfeited or liable to forfeiture to His Majesty, or otherwise proceeded against in and by virtue of any Law, and brought to Adjudication in the High Court of Admiralty, or in any Court of Vice Admiralty, or in any Court in His Majesty's Colonies or Possessions, or elsewhere within His Majesty's Dominions, which is or shall be authorized to hold jurisdiction in such cases, it shall be lawful for the Person or Persons claiming any right or property in, or the possession of such Slaves, and he is hereby required to put such Slaves on shore; and it shall be lawful for the Collector or other Chief Officer of the Customs in such Port or Place in which such Slaves shall be brought to Adjudication, and he is hereby required, to direct enquiry to be made, whether the Persons or Person claiming any right or property in or the possession of such Slaves, shall have furnished or shall be willing and able to furnish, sufficient food and necessaries for the support and wholesome maintenance of the said Slaves during

proceedings which may have been or may be instituted respecting such Slaves; and such Collector or other Chief Officer of the Customs shall, as soon as may be, report to the Governor or Lieutenant-Governor, or other Person exercising the authority of Governor in such Colony or Plantation or Place, the result of such enquiry; and if it shall appear to the said Governor or Lieutenant-Governor, or other Person exercising the authority of Governor, that sufficient food and necessaries for the wholesome maintenance of such Slaves during the proceedings so instituted, or to be instituted as aforesaid, have not been furnished; and if the Persons or Person claiming any right or property in or to such Slaves shall refuse or afterwards neglect or omit to supply proper food and necessaries for the support and wholesome maintenance of the said Slaves during such proceedings, the said Governor or Lieutenant-Governor, or other Person exercising the authority of Governor, in such Colony or Plantation or Place, being satisfied of the truth of the report so made to him, shall authorize the said Collector or Chief Officer of the Customs to take on himself the immediate care and custody of such Slaves, and to provide proper food and necessaries for such Slaves during the proceedings so instituted or to be instituted in any such Court as aforesaid, until the said Court shall have made its Decree, have the force and effect of a definitive Sentence, condemning or restoring the said Slaves; and in case the said Court shall by such Decree absolutely restore or condemn such Slaves, the said Court shall, on application made to him by the said Collector or Chief Officer of the Customs so providing or having provided for the support and maintenance of such Slaves as aforesaid, direct the accounts for the provisions and necessaries so supplied for the said Slaves, to be brought into the Registry of the Court and examined, and direct the same, when confirmed, to be a charge on the said Slaves, to be defrayed by the Person receiving possession thereof under the Decree of such Court.

11. Provided nevertheless, that in case the Court shall not immediately restore or condemn the said Slaves, by Decree having the force and effect of a definitive Sentence, but shall direct further proof to be made in the cause, whereby the restitution or condemnation shall be deferred, and the Person claiming any right or property in or the possession of the said Slaves, shall not have supplied, or at any time pending proceedings in that Court shall refuse or neglect to supply proper food and necessaries for the said Slaves, it shall be lawful for the Court to direct a valuation to be made of such Slaves, and to decree such Slaves, after such valuation had and approved by the Court to be delivered over to such Officer or Person as may be appointed by His Majesty to receive Slaves condemned to His Majesty's use, according to the Provisions of an Act passed in the 47th year of His Majesty's Reign, intituled "An Act for the Abolition of the Slave-trade;"

and the same shall be dealt with and treated in all respects according to the Provisions of the said Act; save and except that the Bounties shall not be due or payable for such Slaves but in the event of final condemnation, according to the Provisions of the said Act.

III. And be it further enacted, that if on further proof being made that the said Slaves shall be decreed to be restored, and there be no Appeal, or if the said Slaves shall have been delivered over as above directed, restitution shall be made in the value of the said Slaves, according to the valuation as above directed, together with interest thereon, such sums being deducted therefrom as may have been expended for the support and maintenance of the said Slaves by the Collector or Chief Officer of the Customs, as before directed, and shall remain unpaid; and the value so adjusted shall be paid by the Treasurer of the Navy, in the same manner as bounties are now paid for Slaves condemned to His Majesty's use under the aforesaid Act passed in the 47th year of His Majesty's Reign, on the production of the Official Copy of the Sentence of Restitution, with the valuation endorsed thereon by the Registrar of the said Court or his Deputy.

IV. And be it further enacted, that in all cases in which there shall have been a Decree, having the force and effect of a definitive Sentence restoring or condemning the said Slaves, and the same shall be reversed or suspended by Appeal, it shall be lawful for the Court, notwithstanding such Appeal, and it is hereby required, to proceed forthwith to deliver the said Slaves so detained to be valued as above directed; and after the valuation had and approved by the Court, to be delivered over to the Officer or Person as may be appointed to receive Slaves condemned to His Majesty's Use, according to the Provisions of the aforesaid Act passed in the 47th year of His Majesty's Reign, as if the said Slaves had been finally condemned to His Majesty; and such Slaves shall be treated and dealt with, in all respects, in the same manner as if they had been finally condemned to His Majesty; save and except that the Bounties shall not be due or payable thereon but in the event of final Condemnation to His Majesty according to the Provisions of the said Act.

V. And be it further enacted, that in all cases in which such Slaves shall be finally restored in the Court of Appeal, restitution in full shall be made, for the use of the Claimant or Proprietor thereof, according to the Valuation made as above directed, subject always to the revision in the Court of Appeal, together with interest thereon, such sums being deducted therefrom as may have been expended for the support and maintenance of the said Slaves by the Collector or Chief Officer of the Customs, as above directed; and the value so adjusted shall be paid by the Treasurer of the Navy, in the same manner as Bounties are directed to be paid for Slaves condemned to His Majesty's use under the aforesaid Act, passed in the 47th Year of His Majesty's

Reign, on the production of an Official Copy of the final Sentence of Restitution, with the valuation of the said Slaves endorsed thereon by the Registrar of the said Court or his Deputy.

VI. Provided always, and be it enacted, that nothing herein contained shall extend to prevent the said Courts, or any of them, having jurisdiction in the principal Cause, from adjudging and decreeing the Captors, Seizors, or Prosecutors in any such Cause as aforesaid, to pay, out of their own proper monies, in addition to the restitution in value directed to be made as aforesaid, such further sums in the nature of costs or damages, as the said Court shall decree, where it shall appear to such Court that the Capture, Seizure, or Prosecution, or the Appeal thereon on the behalf of the Captor, Seizor, or Prosecutor, shall not be justified by the circumstances of the case.

VII. And be it further enacted, that the Provisions of the said Act, passed in the 47th Year of His present Majesty's Reign, for the disposal of Slaves condemned to His Majesty's use, and for the payment of Bounty thereon, in cases of Capture by Ships of War or Privateers, shall be applied to all cases of Slaves captured or seized and condemned as Prize of War, during the last War, or that may hereafter be captured, seized, or condemned as aforesaid, or otherwise forfeited, or liable to forfeiture to His Majesty, or subject to Condemnation, by any Law whatsoever.

No. 9.—*Act of the British Parliament, "to explain 3 Acts, passed in the 46th, 47th, and 51st years of His Majesty's Reign, respectively, for the Abolition of the Slave-trade."*

[58 Geo. III. Cap. 49.]

[30th May, 1818.]

WHEREAS an Act was passed in the 46th year of the Reign of His present Majesty, intituled, "An Act to prevent the Importation of Slaves by any of His Majesty's Subjects into any Islands, Colonies, Plantations, or Territories belonging to any Foreign Sovereign, State, or Power; and also to render more effectual a certain Order made by His Majesty in Council on the 15th day of August, 1805, for prohibiting the Importation of Slaves (except in certain cases) into any of the Settlements, Islands, Colonies, or Plantations on the Continent of America or in the West Indies, which have been surrendered to His Majesty's Arms during the present War; and to prevent the fitting out of Foreign Slave Ships from British Ports." And whereas an Act was passed in the 47th year of the Reign of His present Majesty, intituled, "An Act for the Abolition of the Slave-trade." And whereas another Act was passed in the 51st year of the Reign of His present Majesty, intituled, "An Act for rendering more effectual an Act made in the 47th year of His Majesty's Reign, intituled, 'An Act for the Abolition of the Slave-trade.'" And whereas divers Persons have, contrary to Law, imported into certain of His Majesty's Posses-

sions on the Continent of South America, certain Negro Slaves other Possessions of His Majesty. And whereas it is expedient all Persons who have been concerned in advising, authorizing, making such Importations of Negro Slaves as aforesaid, contra Law, should be indemnified, inasmuch as such Importations have been made under a belief that they were authorized by Law. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Importations be and be deemed valid and of due force in Law; and that all personal actions and suits, indictments, informations, and all prosecutions and proceedings whatsoever, which have been or shall be hereafter prosecuted or commenced against any Person or Persons for having advised, authorized, or made any Importation at any time before the passing of this Act, be, are, and shall be discharged and made void by virtue of this Act; and that no action or suit shall be prosecuted or commenced against any Person or Persons for or by reason of any such Importation, hereafter, or they may plead the general issue, and give this Act and the contents thereof in evidence: and if the Plaintiff or Plaintiffs in any action or suit so to be prosecuted or commenced in that part of the United Kingdom called England or that part called Ireland, or in any of His Majesty's Possessions on the Continent of South America or in the West India Islands, shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover his or their costs, or their double costs, for which he, she, or they shall have the same remedy as in cases where the costs by Law are given to the Defendants; and if any such action or suit as aforesaid shall be commenced or prosecuted in the part of Great Britain called Scotland, the Court before which such action or suit shall be commenced or prosecuted shall allow to the Defender the benefit of the discharge and indemnity thereby provided, and shall further allow him his double costs of such action or suit in all such cases as aforesaid.

II. And be it also enacted, that if any action or suit hath been already commenced against any Person or Persons for any such Importation, it shall and may be lawful for the Defendant or Defendants in such action or suit respectively, in whatever Court of the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Possessions on the Continent of South America, or in the West India Islands, such action or suit shall have been commenced, to apply to such Court or Courts respectively, to stay all proceedings thereon respectively, by motion in a summary way, and such Court or Courts are hereby required to make order for that purpose accordingly; and the Court or Courts making such Order shall allow and award to

Defendant or Defenders respectively double costs of suit, for which they shall respectively have the like remedy as in cases where the costs are by Law given to the Defendant or Defenders.

III. And whereas it has been represented that there is in the Bahama Islands, and on certain estates in the Island of Dominica, a considerable quantity of the land which, from length of cultivation, has become exhausted. And whereas it has in consequence become impossible for the Proprietors of such land to find profitable employment and subsistence for the Negro Slaves who are their property, and have hitherto been supported by cultivating the said land. And whereas it might tend to ameliorate the condition of the said Negro Slaves if they could, by Law, be transported to certain of His Majesty's Possessions on the Continent of South America, to which, by Law, they cannot now be transported; be it enacted, that from and after the passing this Act, it shall and may be lawful for His Majesty, by and with the advice of His Privy Council, to grant Licences for the transportation of such Slaves from any of the said Islands to any of the said Possessions on the Continent of South America, under certain regulations and restrictions, to be hereinafter provided. Provided always, that no such Licence shall be granted unless upon a representation to His Majesty's Most Honourable Privy Council, from the Proprietor of such Negro Slaves, who shall be required to produce satisfactory proof that the said Slaves may be so transported without disadvantage to themselves, and unless he shall enter into bond to remove the said Negro Slaves in families.

IV. And be it further enacted, that it shall and may be lawful for His Majesty, by and with the advice of His Privy Council, to make such further Rules and Regulations, with respect to the transport and destination of any such Negroes, with such penalties and forfeitures for the breach thereof, as shall seem fit and necessary to His Majesty, by and with the advice aforesaid.

V. Provided always, and be it further enacted, that it shall not be lawful for any Person or Persons to embark, ship, export, or carry upon the Sea, any Slave or Slaves from any such Settlement or Territory, now belonging to, or under the dominion, or in the possession of His Majesty, on the Continent of South America, to any other Country, Island, Territory, or Place whatever, whether under the dominion of His Majesty, or of any Foreign Sovereign, State, or Power; any thing in the said recited Acts or either of them, or in any other Act or Acts of Parliament to the contrary notwithstanding: Provided also, that nothing hereinbefore contained shall extend or be construed to extend to prohibit or prevent the embarking, shipping, exporting, or carrying by Sea any Slave or Slaves from any such Settlement or Territory of or belonging to, or under the dominion, or in the possession of His Majesty, on the Continent of South America,

and determined, or to be inquired of, tried, and determined under by virtue of any such Commission made or issued or to be made issued according to directions of the said Act of the 46th year of Majesty's Reign, shall be subject and liable to and shall suffer all and the same pains, penalties, and forfeitures, as by any Law or now in force Persons convicted of the same respectively would be subject and liable to, in case the same were respectively inquired of, tried, and determined and adjudged within this Realm by virtue of any Commission made according to the directions of the Statute of the 28th year of the Reign of King Henry the VIIIth; any Law, Statute or usage to the contrary notwithstanding.

LAW of The King of The Two Sicilies, for carrying effect the Treaties of Commerce, concluded in 1816, 1817, with Great Britain, France and Spain.—Naples, 30th March, 1818.

(Translation.)

FERDINANDO I. per la grazia di Dio, Re del Regno delle 2 Sicilie, di Gerusalemme, ec., Infante di Spagna, Duca di Parma, Piacenza, Castro, ec. ec., Gran Principe Ereditario di Toscana, ec. ec.

Solleciti sempre a promuovere i vantaggi della navigazione e del commercio de' nostri amatissimi Sudditi, non era sfuggito alla nostra attenzione, che a questo scopo, non meno che ad assicurare la riscossione de' dazj doganali, avrebbe sommamente contribuito l'abolizione de' privilegi e dell' esenzioni, che in virtù di antichi Trattati, o concessioni godevano ne' nostri Dominj i Bastimenti coverti delle Bandiere Inglese, Francese e Spagnuola.

Abbiamo quindi rivolte le nostre cure ad ottenere questo utilissimo risultato; e, grazie alle amichevoli disposizioni che abbiamo incontrate per parte di Sua Maestà

FERDINAND I., by the Grace of God, King of the Kingdom of the Two Sicilies, of Jerusalem, etc., Infante of Spain, Duke of Parma, Piacenza, Castro, etc. etc, Hereditary Grand Prince of Tuscany, etc.

Being at all times solicited to promote the advantages of Navigation and Commerce of our very dear Subjects, it did not escape our observation, that the abolition of the privileges and exemptions which, in virtue of ancient Treaties or Concessions, are enjoyed in our Dominion by Vessels under the English, French and Spanish Flags, would greatly contribute to this end, not less than to the securing of the collection of the Custom-house duties.

We have therefore turned our attention to the attainment of this most useful result, and, thanks to the friendly dispositions which we have met with on the part of

Cristianissima, di Sua Maestà Cattolica, e di Sua Altezza Real il Principe Reggente del Regno Unito della Gran Bretagna e d'Irlanda, abbiamo conchiuso con ciascuno de' detti Sovrani una Convenzione Particolare che stabilisce l'abolizione de' privilegj e dell'esenzioni sopraccennate, mediante alcuni compensi che abbiamo stipulati in favore de' rispettivi loro Sudditi :

Tali Convenzioni son del tenor seguente :

(1.) *Convenzione coll' Inghilterra.*

In nome della Santissima ed Indivisibile Trinità.

Sua Maestà il Re delle Due Sicilie avendo fatto conoscere a Sua Maestà il Re del Regno Unito della Gran Bretagna e dell'Irlanda gl'inconvenienti che cagionava alle sue Finanze, non che alla Navigazione ed al commercio de' suoi Sudditi, la continuazione de' privilegj ed esenzioni di cui i Sudditi Britannici, e quelli di alcune altre Potenze hanno goduto ne' suoi Stati, ed il suo desiderio di abolirgli di comune consenso : e Sua Maestà Britannica avendo manifestato a Sua Maestà Siciliana la sua perfetta disposizione di acconsentirvi, stabilendo uno stato di cose, che possa nel tempo stesso riparare gl'inconvenienti de' quali si è doluta Sua Maestà

Most Christian Majesty, of His Catholic Majesty, and of His Royal Highness the Prince Regent of The United Kingdom of Great Britain and Ireland, have concluded with each of the said Sovereigns, a Special Convention, in order to effect the abolition of the above-mentioned privileges and exemptions, by means of some compensations which we have stipulated in favour of their respective Subjects.

These Conventions are of the following tenour :

*Convention de Commerce et de Navigation entre Sa Majesté Britannique et Sa Majesté le Roi des 2 Siciles.—Signée à Londres, le 26 Septembre, 1816.**

Au Nom de la très Sainte et Indivisible Trinité.

SA Majesté Le Roi des 2 Siciles ayant manifesté à Sa Majesté Le Roi du Royaume Uni de la Grande Brétagne et de l'Irlande, les inconvénients qui résultaient à ses Finances, et à la navigation et au commerce de ses Sujets, de la continuation des privilèges et exemptions dont les Sujets Britanniques, et ceux de quelques autres Puissances ont joui dans ses Etats, et son désir de les abolir d'un commun accord ; et Sa Majesté Britannique ayant témoigné à Sa Majesté Sicilienne sa parfaite disposition d'y consentir par l'établissement d'un état de choses qui peut en même tems remédier aux inconvénients dont Sa Majesté Sicilienne s'est plainte,

* See Translation, in English. Commercial Treaties. Vol. 2. Page 131.

Siciliana, e provvedere parimente alla sicurezza ed a' vantaggi de' Sudditi e del commercio della Gran Bretagna ne' Dominj di Sua Maestà Siciliana; le loro Maestà Siciliana e Britannica, sempre animate da' sentimenti della più intima amicizia, ad oggetto di pervenire a questo doppio scopo, hanno nominato per loro Plenipotenziarj, cioè:

Sua Maestà il Re delle Due Sicilie, il Signor Fabrizio Ruffo, Principe di Castelcicala, Ministro di Stato, suo Gentiluomo di Camera con esercizio, Cavaliere Gran-Croce dell' Insigne Ordine di San Ferdinando e del merito, Cavaliere dell' Insigne Real Ordine di San Gennaro, suo Inviato Straordinario e Ministro Plenipotenziario presso Sua Maestà Britannica, e suo Ambasciatore Straordinario presso Sua Maestà Cristianissima.

E Sua Maestà il Re del Regno Unito della Gran Bretagna e dell' Irlanda, l' Onorevolissimo Roberto Stewart, Visconte di Castlereagh, Cavaliere del Nobilissimo Ordine della Giarrettiera, suo Consigliere del Consiglio Privato, Membro del Parlamento, Colonnello del Reggimento di Milizia di Londonderry, e suo Principale Segretario di Stato e del Dipartimento degli Affari esteri.

I quali, dopo di essersi comunicate le loro Plenipotenze trovate in buona e debita forma, sono convenuti ne' seguenti Articoli:—

ART. I. Sua Maestà Britannica

et pouvoir également à la et aux avantages des Sujets commerce de la Grande Bretagne dans les Etats de Sa Majesté sicilienne, Leurs Majestés Française et Sicilienne, animées par les mêmes sentimens de la plus intime amitié, afin d'atteindre ce double but, ont nommé pour Plénipotentiaires, savoir:—

Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Le Très Honorable Robert Stewart, Vicomte de Castlereagh, Chevalier de l'Ordre du Noble de la Jarretière, Comte de Sa dite Majesté en son Conseil Privé, Membre du Parlement, Colonel du Régiment de Milice de Londonderry, et son Principal Secrétaire d'Etat ayant le Département des Affaires Etrangères.

Et Sa Majesté Le Roi des Deux Siciles, Le Sieur Fabrice Ruffo, Prince de Castelcicala, Ministre d'Etat, Gentilhomme de la Chambre avec exercice de Sa dite Majesté, Chevalier Grand Croix de l'Illustre Ordre de Saint Ferdinand et du Mérite, Chevalier de l'Ordre Royal et Très Illustre de Saint Janvier, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, son Ambassadeur Extraordinaire près Sa Majesté Très Catholique.

Lesquels, après s'être communiqués leurs Plein-pouvoirs, et en bonne et due forme, sont convenus des Articles suivans:

ART. I. Sa Majesté

conviene nell'abolizione di tutti i privilegi ed esenzioni, di cui i suoi Sudditi, ed il loro commercio, ed i loro Bastimenti Mercantili hanno goduto e godono negli Stati, porti e Dominj di Sua Maestà Siciliana, per effetto del Trattato di Pace e di Commercio, conchiuso in Madrid il 23 Maggio 1667* tra la Gran Bretagna e la Spagna, de' Trattati di Commercio tra le stesse Potenze firmati in Utrecht, il 9 Dicembre, 1713,* ed in Madrid il 14 Dicembre, 1715,* e della Convenzione conchiusa in Utrecht il 8 Marzo, 1713† tra la Gran Bretagna ed il Regno di Sicilia: ed in conseguenza resta convenuto tra le prelodate Maestà loro Siciliana e Britannica, loro Eredi e Successori, che i detti privilegi ed esenzioni, tanto delle persone, che della Bandiera e de' Bastimenti, sono e rimarranno perpetuamente aboliti.

II. Sua Maestà Siciliana promette di non continuare, nè accordare per l'avvenire a' Sudditi di nessun' altra Potenza i privilegi e l' esenzioni aboliti colla presente Convenzione.

III. Sua Maestà Siciliana promette che i Sudditi di Sua Maestà Britannica non saranno sottoposti ne' suoi Stati ad un sistema di visite doganali e di perquisizioni, più rigoroso di quello che é applicabile a' Sudditi della detta Maestà Sua Siciliana.

IV. Promette in oltre Sua Maestà il Re delle 2 Sicilie, che il commercio Britannico in gene-

rique consent à ce que tous les privilèges et exemptions dont ses Sujets et leur commerce, et leurs Batimens Marchands ont joui, et jouissent dans les Etats, Ports, et Domaines de Sa Majesté Sicilienne, à cause du Traité de Paix et de Commerce conclû à Madrid le 23 Mai, 1667,* entre la Grande Bretagne et l'Espagne, des Traités de Commerce entre les mêmes Puissances, signés à Utrecht le 9 Décembre, 1713,* et à Madrid le 14 Décembre, 1715;* et de la Convention conclue à Utrecht le 8 Mars, 1713,† entre la Grande Bretagne et le Royaume de Sicile, soient abolis; et il est convenu en conséquence, entre Leurs dites Majestés Britannique et Sicilienne, leurs Héritiers et Successeurs, que les dits privilèges et exemptions, soit des Personnes, soit de Pavillon et Bâtimens, sont, et resteront abolis à perpétuité.

II. Sa Majesté Sicilienne s'engage à ne point continuer, et à ne point accorder dans la suite, les privilèges et exemptions qu'on abolit par la présente Convention, aux Sujets d'aucune autre Puissance quelconque.

III. Sa Majesté Sicilienne promêt que les Sujets de Sa Majesté Britannique ne seront point assujettis dans ses Etats, à un système plus rigoureux de visites de douane et de recherches, que celui qui est applicable aux Sujets de Sa dite Majesté Sicilienne.

IV. Sa Majesté le Roi des 2 Siciles promêt que le commerce Britannique en général, et les

* See Commercial Treaties. Vol. 2. Pages 140, 204, 221.

† See Chalmers', Vol. 2. Page 338.

rale, ed i Sudditi Britannici che l'eserciteranno, saranno trattati in tutti i suoi Stati sullo stesso piede delle Nazioni le più favorite, non solamente riguardo alle persone ed alle proprietà de' detti Sudditi Britannici, ma ben anche per ogni articolo, del quale essi fanno commercio, e per le imposizioni, o altri pesi pagabili su' detti Articoli, o su' legni co' quali si farà l'importazione.

V. Riguardo a' privilegj personali di cui dovranno godere i Sudditi di Sua Maestà Britannica nel Regno delle 2 Sicilie, Sua Maestà Siciliana promette che avranno essi libero e non dubbio diritto di viaggiare e risiedere ne' territorj e dominj della prelodata Maestà Sua; salve le precauzioni di Polizia, che vengono usate colle Nazioni le più favorite. Essi avranno dritto di occupare delle case e de' magazzini, e di disporre delle loro proprietà personali di qualunque natura e denominazione per vendita, donazione, permuta, o testamento, e in qualunque altro modo, senza che si rechi loro a tal effetto il menomo ostacolo o impedimento.

Non saranno i medesimi obbligati, sotto verun pretesto, a pagare altre tasse, o imposte, che quelle le quali sono pagate, o potranno pagarsi negli Stati di Sua Maestà Siciliana dalle Nazioni le più favorite.

Saranno essi esenti da qualunque servizio militare, sia per terra, sia per mare: le loro abitazioni, i magazzini, e tutto ciò che ne fa

Sujets Britanniques qui l'exerceront, seront traités, dans tous les Etats, sur le même pied que les Nations les plus favorisées, non seulement par rapport aux personnes et propriétés des dits Sujets Britanniques, mais au regard de toute espèce d'articles dont ils font commerce, et les impôts ou autres charges payables sur les dits articles ou sur les Bâtimens dans lesquels l'importation aura lieu.

V. Par rapport aux privilèges personnels dont les Sujets de Sa Majesté Britannique jouiront dans le Royaume des 2 Siciles, Sa Majesté Sicilienne promet, qu'ils auront un droit libre et non douteux de voyager et de résider dans les Territoires et Domaines de la dite Majesté, sauf les précautions de Police dont on se sert avec les Nations les plus favorisées. Ils auront droit d'occuper des maisons et magasins, et de disposer de leurs propriétés personnelles de toute espèce et dénomination pour vente, donation, échange, ou testament, et de toute autre manière quelconque, sans qu'il y sera donné à cet effet, le moindre empêchement ou obstacle.

Ils ne seront point obligés de payer, sous aucune prétexte quelconque, d'autres Taxes ou Impositions que celles qui sont payées, ou qui pourront être payées, par les Nations les plus favorisées dans les Etats de sa dite Majesté Sicilienne.

Ils seront exempts de tout service militaire, soit par terre, soit par mer; leurs habitations, leurs magasins, et tout ce qui en

parte e loro appartiene per oggetti di commercio, o di residenza, saranno rispettati; non saranno soggetti a visite, o perquisizioni vessatorie: non potrà farsi nessun esame arbitrario, o ispezione de' loro libri, carte, o conti, sotto l'apparenza dell' Autorità Suprema dello Stato; nè potranno praticarsi altrimenti, che in seguito di Sentenza legale de' Tribunali competenti.

Sua Maestà Siciliana si compromette di guarentire in tutte le occasioni a' Sudditi di Sua Maestà Britannica, che risiederanno ne' suoi Stati e Dominj, la conservazione delle loro proprietà e della loro sicurezza personale, nello stesso modo che è guarentita a' suoi Sudditi, ed a tutti i forestieri appartenenti alle Nazioni le più favorite e le più privilegiate.

VI. Conseguentemente al tenore degli Articoli I e II di questo Trattato, Sua Maestà Siciliana s' impegna a non dichiarare nulli ed aboliti i privilegj e l' esenzioni che attualmente gode ne' suoi Stati il commercio Britannico, che nello stesso giorno e collo stesso atto, col quale saranno dichiarati nulli ed aboliti i privilegj e l' esenzioni di ogni sorta di tutte le altre Nazioni.

VII. Sua Maestà Siciliana promette di accordare dal giorno in cui avrà luogo l' abolizione generale de' privilegj, a norma degli Articoli I, II, e VI, una diminuzione del 10 per cento sull' ammontare delle Imposizioni, pagabili, secondo la Tariffa vigente il 1° di Gennajo, 1816, sulla totalità delle mercanzie, o pro-

partie et appartenance, pour objets de commerce ou de résidence, seront respectés. Ils ne seront point sujets à aucune visite ou recherches vexatoires. Aucun examen arbitraire et inspection de leurs livres, papiers, ou comptes, ne seront fait sous l'apparence de l'Autorité Suprême de l'Etat, mais elles ne pourront être autrement exécutées que par Sentence légale des Tribunaux compétens.

Sa Majesté Sicilienne s'engage, dans toutes les occasions, à garantir aux Sujets de Sa Majesté Britannique qui résideront dans ses Etats et Domaines, la conservation de leurs propriétés et de leur sûreté personnelle, de la même manière qu'elle est garantie à ses Sujets, et à tous les Etrangers appartenans aux Nations les plus favorisées et les plus privilégiées.

VI. D'après la teneur des Articles I et II de ce Traité, Sa Majesté Sicilienne s'engage de ne pas déclarer nuls et abolis les privilèges et exemptions, qui existent actuellement en faveur du commerce Britannique dans ses Etats, qu'au même jour, et par le même Acte par lequel les privilèges et exemptions de toutes les autres Nations, quelqu'ils soient, y seront déclarés nuls et abolis.

VII. Sa Majesté Sicilienne promet de faire, à dater du jour où l'abolition générale des privilèges, selon les Articles I, II, et VI, aura lieu, une diminution de 10 pour cent sur le montant des Impôts payables selon le Tarif en vigueur le 1er. de Janvier, 1816; sur la totalité des marchandises ou productions du Royaume Uni

dotti del Regno Unito della Gran Bretagna e dell' Irlanda, sue Colonie, Possessioni e Dipendenze, che saranno immessi negli Stati di Sua Maestà Siciliana, giusta il tenore dell' Articolo IV, della presente Convenzione: ben inteso che nulla di quanto è contemplato in questo Articolo possa impedire al Re delle 2 Sicilie di accordare, se gli aggrada, una simile diminuzione d'Imposizioni ad altre Nazioni.

VIII. I Sudditi delle Isole Jonie essendo attualmente sotto l'immediata protezione di Sua Maestà Britannica, parteciperanno di tutti i vantaggi accordati dal presente Trattato al commercio ed a' Sudditi Britannici: ben inteso che per impedire ogni abuso, ed acciò possa constare la sua identità, ogni bastimento Jonio sarà munito di una Patente, sottoscritta di proprio pugno dal Lord Commissario, o dal suo Rappresentante.

IX. La presente Convenzione sarà ratificata, e le Ratifiche ne saranno cambiate a Londra nello spazio di 6 mesi, o più presto, se si può.

In fede di che i Plenipotenziarj rispettivi l'hanno sottoscritta, e vi hanno apposto il Suggello delle loro Armi.

Fatto in Londra, il 26 Settembre, 1816.

(L. S.) CASTELCICALA.

(L. S.) CASTLEREAGH.

ARTICOLO SEPARATO E ADDIZIONALE

Per evitare qualunque equivoco relativamente alla diminuzione d'imposte in favore del commercio Britannico, promessa da Sua

de la Grande Bretagne et de l'Irlande, ses Colonies, Possessions et Dépendances, importées les États de Sa dite Majesté Britannique, d'après la teneur de l'Article IV, de la présente Convention;—bien entendu que rien de ce que l'Article IV, de la présente Convention, ne soit construit d'empêcher le Roi des 2 Siciles d'accorder, si bon lui semble, une pareille diminution d'Impôts à d'autres Nations Etrangères.

VIII. Les Sujets des Iles Ionniennes, attendu qu'ils sont actuellement sous la protection immédiate de Sa Majesté Britannique, jouiront de tous les avantages qui sont accordés au commerce et aux Sujets Britanniques par le présent Traité. Bien entendu que pour empêcher tout abus, et pour constater son identité, chaque Bâtiment Ionien, sera muni d'une Patente, signée de la main propre du Lord Commissaire ou de son Représentant.

IX. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres dans l'espace de 6 mois, ou plus tôt, si faire se peut.

En foi de quoi les Plenipotenziarj respectifs l'ont signé, et ont apposé le Cachet de leurs Armes.

Fait à Londres le 26 Septembre, 1816.

(L. S.) CASTLEREA

(L. S.) CASTELCICA

ARTICLE SÉPARÉ ET ADDITIONNEL

Pour éviter toute équivoque dans le rapport à la diminution sur les Impôts en faveur du commerce Britannique, que Sa Majesté

Maestà Siciliana coll' Articolo VII, della Convenzione oggi sottoscritta, stipulata tra la prelodata **Maestà Sua** e **Sua Maestà Britannica**, vien dichiarato col presente Articolo Separato ed Addizionale, che per la Concessione del 10 per cento di diminuzione si debbe intendere, che nel caso in cui l'ammontare dell' imposizione sia del 20 per cento sul valore della mercanzia, l'effetto della diminuzione del 10 per cento è quello di ridurre l'imposizione dal 20 al 18; e così proporzionalmente per gli altri casi.

Come pure che sugli articoli, i quali non sono tassati *ad valorem* nella Tariffa, la diminuzione dell' imposizione sarà proporzionale; vale a dire che si accorderà la diminuzione della 10 parte sull' ammontare della somma pagabile.

Il presente Articolo Separato ed Addizionale avrà la stessa forza e valore, come se fosse inserito parola per parola nella Convenzione di questo giorno; e sarà ratificato, e le Ratifiche ne saranno cambiate nell' atto stesso.

In fede di che i Plenipotenziarj rispettivi l'hanno sottoscritto, e vi hanno apposto il Suggello delle loro Armi.

Fatto in Londra il 26 Settembre, 1816.

(L. S.) CASTELCICALA.

(L. S.) CASTLEREAGH.

cilienne a promis dans l'Article VII, de la Convention signée aujourd' hui entre Sa Majesté Britannique et Sa Majesté Sicilienne, il est déclaré par le présent Article Séparé et Additionnel, que par la Concession de 10 pour cent de diminution, il est entendu, que dans le cas que le montant de l'Impôt soit de 20 pour cent sur la valeur de la marchandise, l'effet de la diminution de 10 pour cent, est de réduire l'Impôt de 20 à 18, et ainsi pour les autres cas en proportion.

Et que sur les articles qui ne sont pas taxés *ad valorem* dans le Tarif, la diminution de l'Impôt sera proportionnelle, c'est à dire, on accordera la diminution de la 10ème partie sur le montant de la somme payable.

Le présent Article Séparé et Additionnel, aura la même force et valeur, que s'il avoit été inséré, mot à mot, dans la Convention de ce jour. Il sera ratifié, et les Ratifications en seront échangées en même tems.

Eu foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le cachet de leurs Armes.

Fait à Londres, le 26 Septembre, 1816.

(L. S.) CASTLEREAGH.

(L. S.) CASTELCICALA.

[La soprascritta Convenzione è stata da noi ratificata il 24 febbrajo, 1817, e da Sua Altezza Real il Principe Reggente del Regno [1817—18.]

[La Convention ci-dessus a été ratifiée par nous, le 24 Février, 1817, et par Son Altesse Royale le Prince Régent du Royaume de

Unito della Gran Bretagna e d'Irlanda gli 8 del detto mese ed anno; e le Ratifiche sono state cambiate in Londra, il 2 Aprile dell' anno stesso.]

la Grande Bretagne et de l'Irlande le 8 du même mois et an les Ratifications ont été échangées à Londres, le 2 Avril de l'Année.]

(2.)—*Convenzione colla Francia.*

In nome della Santissima e Indivisibile Trinità.

SUA Maestà il Re del Regno delle 2 Sicilie avendo fatto conoscere a Sua Maestà Cristianissima i gravi inconvenienti che recava alle sue finanze, non che alla navigazione ed al commercio de' suoi Sudditi, il mantenimento de' diversi privilegi ed esenzioni che hanno goduto ne' suoi Stati i Francesi, non meno che i Sudditi di talune altre Potenze, ed il desiderio che aveva di effettuarne di comune accordol'abolizione: e Sua Maestà il Re di Francia e di Navarra avendo dalla sua parte contestato a Sua Maestà Siciliana la perfetta disposizione in cui era di consentire a siffatta abolizione, mediante lo stabilimento di uno stato di cose, che potesse nell' atto medesimo e rimediare agl' inconvenienti de' quali Sua Maestà Siciliana ha avuto a dolersi, e provvedere alla sicurezza ed a' vantaggi de' Sudditi e del commercio della Francia negli Stati di Sua Maestà Siciliana; le loro Maestà costantemente animate da' sentimenti della più intima amicizia, ad oggetto di pervenire a questo doppio scopo, hanno nominato per loro Plenipotenziarj, cioè:

*CONVENTION conclue entre
Majesté Très Chrétienne
Majesté Sicilienne; — à Paris
28 Février, 1817.*

Au nom de la très-sainte et indivisible Trinité.

Sa Majesté le Roi du Royaume des 2 Siciles ayant fait connaître à Sa Majesté Très-Chrétienne les graves inconvénients qui résultent pour les finances, ainsi que pour la navigation et le commerce de ses Sujets, du maintien de divers privilèges et exemptions dont jouissent les Français, ainsi que les Sujets de quelques autres Puissances, et le désir qu'elle avoit d'en effectuer l'abolition d'un commun accord avec elle; et Sa Majesté le Roi de France et de Navarre ayant, de son côté, témoigné à Sa Majesté Sicilienne la parfaite disposition où elle étoit de consentir à l'abolition, moyennant l'établissement d'un état de choses qui pût à-la-fois remédier aux inconvénients dont Sa Majesté Sicilienne a eu à se plaindre, et pour assurer la sûreté et aux avantages de ses Sujets et du commerce de France dans les Etats de Sa Majesté Sicilienne; leursdites Maestés, constamment animées de sentimens de la plus intime amitié, à l'effet d'atteindre ce double but, nommé pour leurs Plenipotentiaires, savoir:

Sua Maestà il Re del Regno delle Due Sicilie;—il Signor Fabrizio Ruffo, Principe di Castelcicala, Cavaliere Gran-croce dell'insigne Ordine di San Ferdinando e del merito, Cavaliere dell'insigne real Ordine di San Gennaro, Ministro di Stato, Gentiluomo di Camera con esercizio della prelodata Maestà Sua, e suo Ambasciatore straordinario presso Sua Maestà Cristianissima:

E Sua Maestà il Re di Francia e di Navarra;—il Signor Emanuele Duplessis Richelieu, Duca di Richelieu, Cavaliere dell'Ordine Reale e Militare di San Luigi, e degli Ordini di San Alessandro Newsky, San Volodimiro e San Giorgio di Russia, Pari di Francia, Primo Gentiluomo di Camera di Sua Maestà Cristianissima, suo Ministro e Segretario di Stato degli Affari Esteri, e Presidente del Consiglio de' Ministri.

I quali, dopo di essersi comunicate le loro Plenipotenze trovate in buona e debita forma, sono convenuti ne' seguenti Articoli:

ART. I. Sua Maestà Cristianissima acconsente all'abolizione di tutti i privilegi ed esenzioni, di cui hanno goduto e godono i suoi Sudditi, il loro commercio ed i loro bastimenti negli Stati, porti e dominj di Sua Maestà Siciliana, in virtù del Trattato de' Pirenei,* di quello di Aquisgrana de' 2 Maggio 1668,* della Dichiarazione della Corte di Madrid de' 6 Marzo, 1669,* e di altri Atti susseguenti,

Sa Majesté le Roi de France et de Navarre;—Le Sieur Emmanuel du Plessis—Richelieu, Duc de Richelieu, Chevalier de l'Ordre Royal et Militaire de Saint-Louis, et des Ordres de Saint-Alexandre-Newski, Saint-Wladimir et Saint George de Russie, Pair de France, Premier Gentilhomme de la Chambre de Sa Majesté Très-Chrétienne, son Ministre et Secrétaire d'Etat des Affaires Etrangères, et Président du Conseil des Ministres;

Et Sa Majesté le Roi du Royaume des 2 Siciles;—Le Sieur Fabrice Ruffo, Prince de Castelcicala, Chevalier Grand' Croix du Très-illustre Ordre de Saint-Ferdinand et de Mérite, Chevalier de l'Ordre Royal et Très-illustre de Saint-Janvier, Ministre d'Etat, Gentilhomme de la Chambre avec exercice de sadite Majesté, son Ambassadeur Extraordinaire près Sa Majesté Très-Chrétienne;

Lesquels, après s'être communiqué leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ART. I. Sa Majesté Très-Chrétienne consent à l'abolition de tous les privilèges et exemptions dont ses Sujets, leur commerce et leurs Bâtimens ont joui et jouissent dans les Etats, Ports et Domaines de Sa Majesté Sicilienne, en vertu du Traité des Pyrénées,* (1659.) de celui d'Aix-la-Chapelle du 2 Mai, 1668,* de la Déclaration donnée par la Cour de Madrid le 6 Mars, 1669,* et autres Actes

* See Dumont. Vols. 6 and 7.

che rendono comuni a' Francesi tutti i vantaggi concessiagl' Inglesi col Trattato del 1667 * tra la Gran Bretagna e la Spagna.

Rimane quindi convenuto tra le prelodate Maestà loro Siciliana e Cristianissima, tanto per esse, quanto pe' loro eredi e successori, che i detti privilegj ed esenzioni riguardanti, sia le persone, sia la bandiera ed i bastimenti, sono e resteranno perpetuamente aboliti.

II. Sua Maestà Siciliana s'impegna a non continuare, ed a non accordare in avvenire i privilegj e l'esenzioni abolite colla presente Convenzione a'sudditi di nessun' altra Potenza.

III. Sua Maestà Siciliana promette di non sottoporre ne'suoi Stati i sudditi di Sua Maestà Cristianissima ad un sistema di visite di dogane, e di perquisizioni, più rigoroso di quello che è applicabile a' sudditi di Sua Maestà Siciliana.

IV. Promette Sua Maestà Siciliana che il commercio Francese in generale, ed i Sudditi Francesi che l'eserciteranno, saranno trattati in tutti i suoi Stati sullo stesso piede delle Nazioni le più favorite, non solamente riguardo alle loro persone e proprietà, ma ben anche riguardo ad ogni specie di Articoli di cui i detti sudditi Francesi faranno commercio, ed alle tasse, o altri pesi pagabili, sia sopra i detti Articoli, sia sopra i

subséquens qui rendent communs aux Français tous les avantages concédés aux Anglais par le Traité de 1667* entre la Grande-Bretagne et l'Espagne.

Il est en conséquence convenu entre leurs dites Majestés Très-Chrétienne et Sicilienne, tant pour elles que pour leurs Héritiers et Successeurs, que lesdits privilèges et exemptions portant soit sur les personnes, soit sur le pavillon et les Bâtimens, sont et demeureront abolis à perpétuité.

II. Sa Majesté Sicilienne s'engage à ne continuer et à n'accorder par la suite les privilèges et exemptions qui sont abolis par la présente Convention, aux Sujets d'aucune autre Puissance quelconque.

III. Sa Majesté Sicilienne promet que les Sujets de Sa Majesté Très-Chrétienne ne seront pas assujettis dans ses Etats à un système plus rigoureux de visites de douanes et de recherches que celui qui est applicable aux Sujets de Sa Majesté Sicilienne.

IV. Sa Majesté Sicilienne promet que le commerce Français en général et les Sujets Français qui l'exerceront, seront traités dans tous ses Etats sur le même pied que les Nations les plus favorisées, non-seulement par rapport à leurs personnes et propriétés, mais aussi à l'égard de toute espèce d'articles dont lesdits Sujets Français feront commerce, et des taxes ou autres charges payables, soit sur lesdits articles,

* See Commercial Treaties. Vol. 2. page 140.

bastimenti, per mezzo de' quali avrà luogo l'importazione.

V. Quanto a ciò che riguarda i privilegi personali di cui dovranno godere i Sudditi di Sua Maestà Cristianissima nel Regno delle 2 Sicilie, Sua Maestà Siciliana promette che avranno essi libero e non dubbio dritto di viaggiare e dimorare ne' Territorj e Dominj della detta Maestà Sua; salve le precauzioni di polizia usate verso i Sudditi delle Nazioni le più favorite. Essi avranno altresì il dritto di occupare delle case e de' magazzini, e di disporre delle loro proprietà personali di qualunque specie e natura che sieno, per vendita, donazioni, permuta, e testamenti, ed in qualunque altro modo, senza che sia loro frapposto a tal effetto il menomo ostacolo o impedimento. Non saranno eglino tenuti, sotto qualsivisia pretesto, a pagare altre tasse o imposizioni, all'infuori di quelle che sono, o potranno essere pagate negli Stati di Sua Maestà Siciliana da' Sudditi delle Nazioni le più favorite. Saranno esenti in oltre da qualunque servizio Militare, così di terra, come di mare: le loro abitazioni, magazzini, e tutto ciò che ne fa parte, o che vi appartiene per oggetti di commercio, o di residenza, saranno rispettati: non andranno soggetti a nessuna visita, o perquisizioni vessatorie: nessun esame, nè ispezione de' loro libri, carte, o conti, si farà arbitrariamente, e per parte dell'autorità suprema dello Stato; nè potrà aver luogo altrimenti, che per sentenza legale de' tribunali competenti.

soit sur les Bâtimens par lesquels l'importation aura lieu.

V. Quant à ce qui concerne les privilèges personnels dont les Sujets de Sa Majesté Très-Chrétienne devront jouir dans le Royaume des 2 Siciles, Sa Majesté Sicilienne promet qu'ils auront un droit libre et non douteux de voyager et de résider dans les Territoires et Domaines de sadite Majesté, sauf les précautions de police dont on se sert envers les Sujets des Nations les plus favorisées. Ils auront aussi le droit d'occuper des maisons et magasins, et de disposer de leurs propriétés personnelles, de quelque espèce et nature qu'elles soient, par ventes, donations, échanges et testamens, ou de toute autre manière quelconque, sans qu'il leur soit donné à cet effet le moindre empêchement ou obstacle. Ils ne seront, sous aucun prétexte quelconque, tenus de payer d'autres taxes ou impositions que celles qui sont payées ou pourront être payées par les Sujets des Nations les plus favorisées dans les Etats de Sa Majesté Sicilienne. Ils seront exempts de tout service militaire, soit par terre, soit par mer. Leurs habitations, magasins, et tout ce qui en fait partie ou en compose l'appartenance pour objet de commerce ou de résidence, seront respectés. Ils ne seront sujets à aucune visite ou recherche vexatoire. Aucun examen ni inspection de leurs livres, papiers ou comptes, ne se fera arbitrairement et de la part de l'Autorité Suprême de l'Etat, et ne pourra avoir lieu

Sua Maestà Siciliana s'impegna a guarentire in tutte le occasioni a' Sudditi di Sua Maestà Cristianissima che risiederanno ne' suoi Stati e dominj, la conservazione della loro sicurezza personale e delle loro proprietà, nello stesso modo in cui sono guarentiti a' proprj Sudditi, ed a tutti gli esteri appartenenti alle Nazioni le più favorite e le più privilegiate.

VI. Conseguentemente al tenore degli Articoli I. e II. della presente Convenzione, Sua Maestà Siciliana s'impegna a non dichiarare nulli ed aboliti i privilegj ed esenzioni, che attualmente esistono ne' suoi Stati in favore del commercio Francese, che nello stesso giorno e collo stesso Atto, che dichiarerà nulli ed aboliti i privilegj ed esenzioni qualunque, di cui hanno goduto, o godono altre Nazioni.

VII. Sua Maestà Siciliana promette che a contare dal giorno in cui avrà luogo la generale abolizione de' privilegj, conformemente agli Articoli I, II e VI della presente Convenzione, una diminuzione del 10 per cento sull'ammontare de' dritti e tasse pagabili secondo la Tariffa in vigore il 1° Gennajo 1816, sarà accordata sulla totalità delle mercanzie, e prodotti del Regno di Francia, delle sue Colonie e Dipendenze, che verranno importati negli Stati di Sua Maestà Siciliana; il tutto a tenore dell'Articolo IV, come sopra: ben inteso che il detto Articolo non dovrà mai essere considerato come capace d'impedire in nessun modo

altremente che par sentence légale des Tribunaux compétens. Sa Majesté Sicilienne s'engage à garantir dans toutes les occasions aux Sujets de Sa Majesté Très-Chrétienne qui résideront dans ses Etats et domaines, la conservation de leur sûreté personnelle et de leurs propriétés, de la même manière qu'elles sont garanties à ses Sujets et à tous les Etrangers appartenant aux Nations les plus favorisées et les plus privilégiées.

VI. D'après la teneur des Articles I et II de la présente Convention, Sa Majesté Sicilienne s'engage à ne déclarer nuls et abolis les privilèges et exemptions qui existent actuellement en faveur du commerce Français dans ses Etats, qu'au même jour et par le même Acte qui déclarera nuls et abolis les privilèges et exemptions quelconques dont ont joui ou jouissent d'autres Nations.

VII. Sa Majesté Sicilienne promet qu'à dater du jour où l'abolition générale des privilèges aura eu lieu, conformément aux Articles I, II et VI de la présente Convention, une diminution de 10 pour cent sur le montant des droits et taxes payables selon le Tarif en vigueur le 1er Janvier, 1816, sera accordée sur la totalité des marchandises ou produits du Royaume de France, de ses Colonies et Dépendances, qui seront importés dans les Etats de Sa Majesté Sicilienne; le tout suivant la teneur de l'Article IV ci-dessus: bien entendu que ledit Article ne devra jamais être considéré comme pouvant, en

la Sua Maestà Siciliana di accordare, se le piace, una simile diminuzione d'imposte ad altre Nazioni Straniere.

VIII. La presente Convenzione sarà ratificata, e le Ratifiche ne saranno cambiate in Parigi nel termine di 3 mesi, o più presto, se sarà possibile.

In fede di che i Plenipotenziarij rispettivi l'hanno firmata, e vi hanno apposto il Suggello delle Loro Armi.

Fatto in Parigi, il 28 febbrajo, 1817.

(L.S.) CASTELCICALA.

(L.S.) RICHELIEU.

aucune manière, empêcher Sa Majesté Sicilienne d'accorder, si bon lui semble, une pareille diminution d'impôts aux autres Nations Etrangères.

VIII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Paris dans l'espace de 3 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le Cachet de leurs Armes.

Fait à Paris, le 28 Février, 1817.

(L. S.) RICHELIEU.

(L. S.) CASTELCICALA.

ARTICOLO SEPARATO E ADDIZIONALE.

PER evitare qualunque equivoco relativamente alla diminuzione del 10 per cento su'dritti stipulati in favore del commercio Francese colla Convenzione oggi firmata, vien dichiarato col presente Articolo, che siffatta concessione debbe intendersi come segue, cioè: che nel caso in cui i dritti montassero a 20 per cento sul valore della mercanzia, l'effetto della diminuzione del 10 per cento sarà di ridurre questa imposizione da 20 a 18; e così in seguito nella stessa proporzione per tutti gli altri casi: e che sugli articoli i quali non sono tassati *ad valorem* nella Tariffa, la diminuzione dell'imposta sarà proporzionale; vale a dire, che si accorderà la diminuzione della 10 parte sull'ammontare della somma pagabile.

Il presente Articolo Separato e Addizionale avrà la stessa forza e

ARTICLE SÉPARÉ ET ADDITIONNEL.

POUR éviter toute équivoque, relativement à la diminution de 10 pour cent sur les droits, stipulée en faveur du commerce Français par la Convention signée aujourd'hui, il est déclaré, par le présent Article, que cette concession doit s'entendre comme il suit; savoir: que, dans le cas où les droits se monteraient à 20 pour cent sur la valeur de la marchandise, l'effet de la diminution de 10 pour cent sera de réduire cet impôt de 20 à 18, et ainsi de suite dans la même proportion pour tous les autres cas;

Et que sur les articles qui ne sont pas taxés *ad valorem* dans le Tarif, la diminution de l'impôt sera proportionnelle, c'est-à-dire qu'on accordera la diminution de la 10ème partie sur le montant de la somme payable.

Le présent Article Séparé et Additionnel aura la même force

valore, come se fosse stato inserito parola per parola nella Convenzione di questo giorno; e sarà ratificato, e le Ratifiche ne saranno cambiate nello stesso tempo.

In fede di che i Plenipotenziarj rispettivi l'hanno firmato, e vi hanno apposto il Suggello delle loro Armi.

Fatto in Parigi, il 28 febbrajo, 1817.

(L.S.) CASTELCICALA.
(L.S.) RICHELIEU.

et valeur que s'il avait été inséré mot à mot dans la Convention de ce jour. Il sera ratifié et les Ratifications en seront échangées en même temps.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Paris, le 28 Février, 1817.

(L. S.) RICHELIEU.
(L. S.) CASTELCICALA.

ARTICOLO SEPARATO.

E espressamente convenuto tra le Altre Parti Contraenti, che i Sudditi di Sua Maestà Cristianissima nel Regno delle 2 Sicilie, e reciprocamente i Sudditi di Sua Maestà Siciliana in Francia, non potranno essere sottoposti a verun dritto di albinaggio, di detrazione, o altro della stessa natura, i quali sono e resteranno perpetuamente aboliti ne' due Stati.

Il presente Articolo Separato avrà la stessa forza e valore, come se fosse stato inserito parola per parola nella Convenzione di questo giorno; e sarà ratificato, e le Ratifiche ne saranno cambiate nello stesso tempo.

In fede di che i Plenipotenziarj rispettivi l'hanno sottoscritto, e vi hanno apposto il Suggello delle loro Armi.

Fatto in Parigi, il 28 febbrajo, 1817.

(L.S.) CASTELCICALA.
(L.S.) RICHELIEU.

ARTICLE SÉPARÉ.

Il est expressément convenu entre les Hautes Parties Contractantes, que les Sujets de Sa Majesté Très-Chrétienne dans le Royaume des 2 Siciles, et réciproquement les Sujets de Sa Majesté Sicilienne en France, ne pourront être assujettis à aucun droit d'au-baine, de détraction, ou autres de la même nature, lesquels sont et demeureront abolis à perpétuité entre les 2 Etats.

Le présent Article Séparé aura la même force et valeur que s'il était inséré mot à mot dans la Convention de ce jour. Il sera ratifié et les Ratifications en seront échangées en même temps.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Paris, le 28 Février, 1817.

(L. S.) RICHELIEU.
(L. S.) CASTELCICALA.

[La soprascritta Convenzione è stata da noi ratificata il 20 Aprile, 1817, e da Sua Maestà Cristianissima il 6 Marzo del detto anno; e le Ratifiche sono state cambiate in Parigi il 4 Luglio dell'anno stesso.]

[La Convention ci-dessus a été ratifiée par nous le 20 Avril, 1817, et par Sa Majesté Très Chrétienne le 6 Mars, de la même année; et les Ratifications ont été échangées à Paris, le 4 Juillet de la dite année.]

(3.) *Convenzione colla Spagna.*

In nome della Santissima ed indivisibile Trinità.

SUA Maestà il Re del Regno delle 2 Sicilie nel fare conoscere a Sua Maestà il Re di Spagna e delle Indie i gravi inconvenienti che cagionano alle sue finanze, non meno che alla navigazione ed al commercio de' suoi Sudditi, i diversi privilegi e l'esenzioni delle quali hanno goduto finora i Sudditi Spagnuoli e di altre Potenze ne'porti del Regno delle 2 Sicilie, ha mostrato nello stesso tempo il suo vivo desiderio di abolire totalmente, d'accordo con Sua Maestà Cattolica, i detti privilegi ed esenzioni: e Sua Maestà Cattolica avendo dimostrato la sua perfetta disposizione di consentire a tale abolizione, fissando uno stato di cose che, riparando gl'inconvenienti che spesse volte sono accaduti, abbia anche in mira la sicurezza ed il vantaggio de'Sudditi e del commercio Spagnuolo; le loro Maestà, animate dalla più sincera amicizia, all'oggetto di ottenere questo doppio scopo, hanno nominato per loro Plenipotenziarj, cioè:

CONVENTION conclue entre Sa Majesté Le Roi des deux Siciles et Sa Majesté Le Roi d'Espagne; à Madrid, le 15 Aout, 1817.

(Traduction.)

Au nom de la très-Sainte et indivisible Trinité.

SA Majesté le Roi du Royaume des 2 Siciles ayant fait connoître à Sa Majesté Le Roi d'Espagne et des Indes, les graves inconvéniens qui résultoient pour les Finances, ainsi que pour la navigation et le commerce de ses Sujets, du maintien de divers privilèges et exemptions dont les Sujets Espagnols, ainsi que les Sujets de quelques autres Puissances, ont joui dans le Royaume des 2 Siciles, et le vif désir qu'elle avoit d'en effectuer l'abolition d'un commun accord avec Sa Majesté Catholique; et Sa Majesté Catholique ayant, de son côté, témoigné à Sa Majesté Sicilienne la parfaite disposition où elle étoit de consentir à cette abolition, moyennant l'établissement d'un état de choses qui pût à la fois remédier aux inconvéniens dont Sa Majesté Sicilienne a eu à se plaindre, et pourvoir à la sureté et aux avantages des Sujets et du commerce de l'Espagne; leurs dites Majestés, constamment animées des sentimens de la plus intime amitié, ont, à l'effet d'atteindre ce double but, nommé pour leurs Plénipotentiaires, savoir:—

Sua Maestà il Re del Regno delle 2 Sicilie, il Signor D. Fulco Ruffo di Calabria, Principe di Scilla, Conte di Sinopoli, Gentiluomo di Camera con esercizio della prelodata Maestà Sua, e suo Ambasciatore Straordinario presso Sua Maestà Cattolica.

E Sua Maestà il Re di Spagna e delle Indie, il Signor D. Giuseppe Garzia de Leon y Pizarro, Cavaliere Pensionato del Reale e Distinto Ordine di Carlo III, Gran-Croce dell'Aquila Rossa di Prussia, e di San Alessandro e Santa Anna di Russia, Consigliere di Stato di Sua Maestà Cattolica, e suo Primo Segretario di Stato e del Dispaccio universale, Soprintendente Generale delle strade, corrieri e poste di Spagna e delle Indie, ec. ec.

I quali, dopo di aver cambiate le loro rispettive Plenipotenze trovate in buona e debita forma, sono convenuti negli Articoli seguenti:

ART. I. Sua Maestà Cattolica conviene nell'abolizione di tutti i privilegi, e di tutte l'esenzioni di cui i suoi Sudditi il loro commercio, ed i loro Bastimenti Mercantili hanno goduto e godono negli Stati, porti e dominj di Sua Maestà il Re del Regno delle 2 Sicilie, per un solo beneplacito di questo Sovrano, senza che vi fosse un Trattato speciale. In conseguenza Sua Maestà il Re del Regno delle 2 Sicilie, e Sua Maestà Cattolica, tanto per se, che pe'loro Eredi e Successori, sono convenuti cho i privilegi e l'esenzioni di sopra espresse di persone e di bandiera sieno aboliti perpetuamente.

II. Sua Maestà il Re del Regno

Sa Majesté le Roi du Royaume des 2 Siciles, le Sieur D. Fulco Ruffo de Calabre, Prince de Scilla, Comte de Sinopoli, Gentilhomme de la Chambre de Sa Majesté, et son Ambassadeur Extraordinaire près Sa Majesté Catholique.

Et Sa Majesté le Roi d'Espagne et des Indes, le Sieur D. Joseph Garcia de Léon y Pizarro, Chevalier pensionné de l'Ordre Royal et distingué de Charles III, Grand-Croix de l'Aigle Rouge de Prusse, et de Saint Alexandre et de Sainte Anne de Russie, Conseiller d'Etat de Sa Majesté Catholique, et son Premier Secrétaire d'Etat des Dépêches Générales, Sur-intendant Général des Routes, des Courriers et des Postes de l'Espagne et des Indes, etc. etc.

Lesquels, après s'être communiqué leurs Pleinpouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Sa Majesté Catholique consent à l'abolition de tous les privilèges et exemptions dont ses Sujets, leur commerce et leurs Bâtimens Marchands, ont joui et jouissent dans les Etats, Ports et Domaines de Sa Majesté Le Roi du Royaume des 2 Siciles, par le seul bon plaisir de ce Monarque, sans qu'il existât un Traité à ce sujet. En conséquence, Sa Majesté le Roi du Royaume des 2 Siciles et Sa Majesté Catholique sont convenus, tant pour elles que pour leurs Héritiers et Successeurs, que lesdits privilèges et exemptions portant, soit sur les personnes, soit sur le pavillon, sont et demeureront abolis à perpétuité.

II. Sa Majesté Le Roi du

delle 2 Sicilie promette di non accordare per l'avvenire a verun'altra Potenza i privilegj e l'esenzioni, che vengono aboliti nella presente Convenzione.

III. Promette Sua Maestà il Re del Regno delle 2 Sicilie, che ne' suoi domini i sudditi Spagnuoli non saranno sottoposti ad un sistema di visite di dogana, e di ricerche, più rigoroso di quello che si pratica co' suoi reali Sudditi.

IV. Sua Maestà il Re del Regno delle 2 Sicilie promette che il commercio Spagnuolo in generale, ed i Sudditi Spagnuoli che lo eserciteranno, saranno trattati sullo stesso piede delle Nazioni le più favorite, non solamente riguardo alle persone ed alle proprietà, ma parimente per ogni articolo di cui essi faranno commercio, e per le tasse, o altri pesi pagabili, tanto sopra i mentovati articoli, che sopra i bastimenti co' quali si farà l'importazione.

V. Sua Maestà il Re del Regno delle 2 Sicilie promette, riguardo a' privilegj personali di cui dovranno godere i Sudditi Spagnuoli, che essi avranno dritto di viaggiare e di risiedere ne' suoi territorj e ne' suoi Stati; salvo le precauzioni di polizia, che sono usate co' Sudditi delle Potenze le più favorite.

Essi avranno dritto di occupare delle case e de' magazzini, e disporre delle loro proprietà per-

Royaume des 2 Siciles s'engage à n'accorder par la suite les privilèges et exemptions qui sont abolies par la présente Convention à aucune autre Puissance quelconque.

III. Sa Majesté Le Roi du Royaume des 2 Siciles promet, que les Sujets Espagnols ne seront pas assujettis dans ses Etats à un système plus rigoureux de visites de douanes et de recherches que celui qui est applicable aux Sujets de Sa Majesté Sicilienne.

IV. Sa Majesté Le Roi du Royaume des 2 Siciles promet que le commerce Espagnol en général, et les Sujets Espagnols qui l'exerceront, seront traités sur le même pied que les Nations les plus favorisées, non seulement par rapport à leurs personnes et propriétés, mais aussi à l'égard de toute espèce d'articles dont les dits Sujets Espagnols feront commerce, et des taxes ou autres charges payables, soit sur les dits articles, soit sur les bâtimens par lesquels l'importation aura lieu.

V. Quant à ce qui concerne les privilèges personnels dont les Sujets Espagnols devront jouir dans le Royaume des 2 Siciles, Sa Majesté Le Roi du Royaume des 2 Siciles promet qu'ils auront un droit libre et non douteux de voyager et de résider dans les Territoires et Domaines de Sa dite Majesté, sauf les précautions de police dont on se sert envers les Sujets des Nations les plus favorisées.

Ils auront aussi le droit d'occuper des maisons et magasins, et de disposer de leurs propriétés person-

sonali di qualunque specie e natura per vendita, donazione, cambio, o testamento, in qualunque altro modo; senza che si rechi loro il menomo ostacolo, o impedimento.

Nè sieno obbligati, sotto verun pretesto, a pagare altre tasse, o imposizioni, che quelle le quali sono pagate, o che potranno pagarsi dalle Nazioni le più favorite nel Regno delle 2 Sicilie.

Essi saranno esenti da ogni servizio militare per terra e per mare: le loro abitazioni, i magazzini, e tutto ciò che ne farà parte e loro appartiene per oggetti di commercio, o di residenza, saranno rispettati: non potrà praticarsi nessun esame arbitrario, o ispezione de' loro libri, carte, o conti per parte dell' autorità suprema, se non che dopo una sentenza legale de' Tribunali competenti.

Sua Maestà il Re del Regno delle 2 Sicilie si compromette di guarentire in tutte le occasioni a' Sudditi Spagnuoli residenti ne' suoi Stati e Dominj la conservazione delle loro proprietà e della loro sicurezza personale, nello stesso modo che è guarentita a' suoi Sudditi, ed a tutti i forestieri appartenenti alle Nazioni le più favorite e le più privilegiate.

VI. Conseguentemente al tenore degli Articoli I e II di questo Trattato, i privilegi e l'esenzioni che attualmente esistono in favore del commercio Spagnuolo ne' Dominj di Sua Maestà il Re del

nelles, de quelque espèce et nature qu'elles soient, par ventes, donations, échanges et testaments, ou de toute autre manière quelconque, sans qu'il leur soit donné à cet effet le moindre obstacle ou empêchement.

Ils ne seront, sous aucun prétexte quelconque, tenus de payer d'autres taxes ou impositions que celles qui sont payées, ou pourront être payées par les Nations les plus favorisées, dans les Etats de Sa Majesté Sicilienne.

Ils seront exempts de tout service militaire, soit sur terre, soit sur mer. Leurs habitations, magasins, et tout ce qui en fait partie ou en compose l'appartenance pour objet de commerce ou de résidence, seront respectés. Aucun examen ni inspection de leurs livres, papiers ou comptes, ne se fera arbitrairement et de la part de l'autorité suprême, et ne pourra avoir lieu autrement que par sentence légale des Tribunaux compétens.

Sa Majesté Le Roi du Royaume des 2 Siciles s'engage à garantir dans toutes les occasions aux Sujets Espagnols, qui résideront dans ses Etats et Domaines, la conservation de leurs propriétés, et de leur sûreté personnelle, de la même manière qu'elles sont garanties à ses Sujets et à tous les Etrangers appartenant aux Nations les plus favorisées et les plus privilégiées.

VI. D'après la teneur des Articles I et II de la présente Convention, Sa Majesté Le Roi du Royaume des 2 Siciles s'engage à ne déclarer nuls et abolis les privilèges et exemptions qui existent

Regno delle 2 Sicilie, saranno dalla Maestà Sua aboliti lo stesso giorno e collo stesso Atto, col quale saranno aboliti e dichiarati nulli i privilegj e l' esenzioni di tutte le altre Nazioni.

VII. Sua Maestà il Re del Regno delle 2 Sicilie promette di accordare dal giorno dell abolizione generale de' privilegj, secondo gli Articoli I, II, e VI, una diminuzione del 10 per cento sull' ammontare delle imposizioni, pagabili, secondo la Tariffa vigente del 1° Gennajo 1816, sulla totalità delle mercanzie, o produzioni del Regno di Spagna e sue Possessioni, immesse ne' suoi reali Dominj, secondo il contenuto dell' Articolo IV della presente Convenzione: ben inteso che ciò non debbe impedire a Sua Maestà il Re del Regno delle 2 Sicilie di accordare, se vuole, l' uguale diminuzione d' imposizioni ad altra Nazione.

VIII. La presente Convenzione sarà ratificata, e le Ratifiche saranno cambiate nello spazio di 4 mesi, o più presto, se si può.

In fede di che i Plenipotenziarj rispettivi hanno firmato la presente Convenzione, e messovi il Suggello delle loro Armi.

Madrid, 15 Agosto, 1817.

(L.S.) IL PRINCIPE DI
SCILLA.

(L.S.) GIUSEPPE PIZARRO.

actuellement en faveur du commerce Espagnol dans ses Etats, qu'au même jour et par le même Acte qui déclarera nuls et abolis les privilèges et exemptions de toutes les autres Nations.

VII. Sa Majesté Le Roi du Royaume des 2 Siciles promet qu'à dater du jour où l'abolition générale des privilèges aura eu lieu, conformément aux Articles I, II, et VI, une diminution de 10 pour cent sur le montant des Impôts payables selon le Tarif en vigueur le 1er Janvier, 1816, sera accordée sur la totalité des marchandises ou produits du Royaume d'Espagne, et de ses Possessions, qui seront importés dans les Etats de Sa Majesté Sicilienne, le tout suivant la teneur de l'Article IV de la présente Convention; bien entendu que ledit Article ne devra jamais être considéré comme pouvant, en aucune manière, empêcher Sa Majesté Le Roi du Royaume des 2 Siciles, d'accorder, si bon lui semble, une pareille diminution d'impôts aux autres Nations étrangères.

VIII. La présente Convention sera ratifiée, et les Ratifications en seront échangées, dans l'espace de 4 mois, ou plutôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le Cachet de leurs Armes.

Fait à Madrid, le 15 Août, 1817.

(L.S.) LE PRINCE DE
SCILLA.

(L.S.) JOSEPH PIZARRO.

ARTICOLO SEPARATO E ADDIZIONALE.

PER evitare ogni equivoco, riguardo alla diminuzione sulle imposizioni in favore del Commercio Spagnuolo, che Sua Maestà il Re del Regno delle 2 Sicilie ha promesso all' Articolo VII della Convenzione firmata oggi tra Sua Maestà il Re del Regno delle 2 Sicilie e Sua Maestà Cattolica, si dichiara col presente Articolo Separato ed Addizionale, che per la concessione del 10 per cento di diminuzione si debbe intendere, che nel caso in cui l' ammontare dell' imposizione sia del 20 per cento sul valore della mercanzia, l' effetto della diminuzione del 10 per cento è di ridurre l'imposizione del 20 a 18; e così per gli altri casi proporzionalmente.

Sopra gli articoli che non sono tassati *ad valorem* dalla Tariffa, la diminuzione sarà proporzionale; cioè a dire, si accorderà la diminuzione della 10 parte sull' ammontare della somma.

Il presente Articolo Separato ed Addizionale avrà la stessa forza e lo stesso valore, come se fosse inserito di parola in parola nella Convenzione di oggi; sarà ratificato, e le Ratifiche saranno cambiate nello stesso tempo.

In fede di che, i Plenipotenziarj rispettivi hanno firmato il presente, e messovi il suggello delle loro Armi.

Madrid, 15 Agosto, 1817.

(L.S.) IL PRINCIPE DI
SCILLA.

(L.S.) GIUSEPPE PIZARRO.

ARTICLE SÉPARÉ ET ADDITIONNEL.

POUR éviter toute équivoque relativement à la diminution sur les droits, stipulée en faveur du Commerce Espagnol, que Sa Majesté Le Roi du Royaume des 2 Siciles a promis, dans l'Article VII de la Convention signée aujourd'hui, entre Sa Majesté le Roi du Royaume des 2 Siciles et Sa Majesté Catholique, il est déclaré, par le présent Article Séparé et Additionnel, que la concession d'une diminution de 10 pour cent. devra s'entendre que, dans le cas où les droits se monteroient à 20 pour cent sur la valeur de la marchandise, l'effet de la diminution de 10 pour cent. sera de réduire cet Impôt de 20 à 18, et ainsi de suite dans la même proportion pour tous les autres cas.

Et que sur les articles qui ne sont pas taxés *ad valorem* dans le Tarif, la diminution de l'impôt sera proportionnelle; c'est à dire, qu'on accordera la diminution de la 10ème partie sur le montant de la somme.

Le présent Article Séparé et Additionnel aura la même force et valeur que s'il avoit été inséré mot à mot dans la Convention de ce jour. Il sera ratifié et les Ratifications en seront échangées en même temps.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le Cachet de leurs Armes.

Fait à Madrid, le 15 Août, 1817.

(L.S.) LE PRINCE DE
SCILLA.

(L.S.) JOSEPH PIZARRO.

[La soprascritta Convenzione è stata da noi ratificata il 1 Ottobre, 1817, e da Sua Maestà Cattolica il 28 Novembre del detto anno; e le Ratifiche sono state cambiate in Madrid, il 29 dello stesso mese ed anno.]

[La Convention ci-dessus a été ratifiée par nous le 1er Octobre, 1817, et par Sa Majesté Catholique le 28 Novembre de la même année; et les Ratifications ont été échangées à Madrid, le 29 du dit mois et année.]

Ed essendo nostra sovrana volontà, che le soprascritte Convenzioni abbiano simultaneamente il loro effetto, secondo l' impegno da noi preso; sulla proposizione del nostro Consigliere e Segretario di Stato Ministro degli Affari Esteri; udito il nostro Consiglio di Stato; abbiamo risoluto di sanzionare, e sanzioniamo la presente Legge.

ART. I. Tutti gli Articoli delle soprascritte Convenzioni saranno puntualmente e religiosamente di parola in parola osservati ed eseguiti in tutto il nostro Regno delle 2 Sicilie dal dì 1° di Luglio del corrente anno.

Vogliamo e comandiamo che questa nostra Legge da noi sottoscritta, riconosciuta dal nostro Consigliere e Segretario di Stato, Ministro di Grazia e Giustizia, munita del nostro gran Sigillo, e contrassegnata dal nostro Consigliere e Segretario di Stato Ministro Cancelliere, e registrata e depositata nella Cancelleria Generale del Regno delle 2 Sicilie, si pubblichi colle ordinarie solennità per tutto il detto Regno per mezzo delle corrispondenti Autorità, le quali dovranno prenderne particolar registro, ed assicurarne l' adempimento.

And it being our sovereign pleasure that the above Conventions shall simultaneously have their effect, in accordance with the engagement into which we have entered; on the proposition of our Councillor and Secretary of State, Minister for Foreign Affairs; after hearing our Council of State; we have resolved to sanction, and do sanction the present Law.

ART. I. All the Articles of the above-written Conventions shall punctually and religiously, word for word, be observed and carried into effect within the whole of our Kingdom of the 2 Sicilies, from the 1st of July of the current year.

We desire and command that this our Law, signed by us, witnessed by our Councillor and Secretary of State, Minister of Grace and Justice, entrusted with our great Seal, and countersigned by our Councillor and Secretary of State, Minister Chancellor, and registered and deposited in the General Chancellerie of the Kingdom of the 2 Sicilies, be published with the usual solemnities throughout the said Kingdom by the respective Authorities, who shall make a particular entry of it, and ensure its fulfilment.

Il nostro Ministro Cancelliere del Regno delle 2 Sicilie è particolarmente incaricato di vegliare alla sua pubblicazione.

Napoli, il dì 30 di Marzo, 1818.

FERDINANDO.

Il Segretario di Stato, Ministro di Grazia e Giustizia,

MARCHESE TOMMASI.

Il Segretario di Stato, Ministro Cancelliere,

MARCHESE TOMMASI.

Our Minister Chancellor of the Kingdom of the 2 Sicilies, is specially charged to watch over its publication.

Naples, 30th March, 1818.

FERDINAND.

The Secretary of State, Minister of Grace and Justice,

MARQUESS TOMMASI.

The Secretary of State, Minister Chancellor,

MARQUESS TOMMASI.

DECREE of the King of the Two Sicilies, relative to a reduction of the Duties upon Goods imported from Great Britain, France, and Spain.—30th March, 1818.

(Translation.)

FERDINAND I, by the Grace of God, King of the Kingdom of the 2 Sicilies, of Jerusalem, &c. Infant of Spain, Duke of Parma, Placentia, Castro, &c. &c. Grand Hereditary Prince of Tuscany, &c. &c. &c.

Referring to the Treaties concluded with the Courts of England, France, and Spain, published in the Laws of this date, by which are abolished the privileges which the Flags of the said Nations have hitherto enjoyed ;

Considering that by the VIIIth Article of the before-mentioned Treaties, a diminution is granted of 10 per cent. upon the amount of the duties payable according to the Tariff in force on the 1st of January, 1816, upon the whole of the merchandize and produce of the said 3 Kingdoms, and of their respective Possessions, which are admitted into our Dominions ;

Considering that for the Custom-house system at present in force in our Dominions, on the other side of the Faro, should be substituted that which the good order of Government, and the welfare of Commerce, has caused us to sanction in these our Dominions ;

And, desiring that the progress of Commerce should not be in the least altered until this uniformity be established ;

On the proposition of our Councillors, and Secretaries of State for Foreign Affairs and the Finances, we have resolved to decree and do decree as follows :

ART. 1. The diminution of 10 per cent. upon the amount of the duties on the merchandize and produce of the Kingdoms of England, France, and Spain, and of their respective Possessions, which shall be

admitted into our Dominions on the other side of the Faro, shall be provisionally carried into effect according to the Tariff now in force in that part of our Dominions, in such manner that upon the sum total to be paid upon the quantity of the merchandize described, there shall be allowed to the Importer the diminution of 10 per cent.

II. After the publication, however, of the new Regulations, and the new Tariffs to be established in Sicily, in uniformity with those in force in this part of our Dominions, the above mentioned diminution of 10 per cent. in both parts of our Dominions, shall be made on the amount of the duties payable according to the Tariff which was in force in this part of our Dominions on the 1st January 1816; but for the present it will be necessary to comply with what has been fixed by the preceding Article.

III. Our Councillor, Secretary of State, Minister for the Finances, and the Ministry assisting near the person of our Lieutenant-General in our Dominions on the other side of the Faro, are charged with the execution of the present Decree.

Naples, the 30th March, 1818.

FERDINAND.

SPEECH of His Royal Highness the Prince of Wales, Regent, on the Closing of the British Parliament.—10th June, 1818.

My Lords and Gentlemen,

It is with deep regret that I am again under the necessity of announcing to you, that no alteration has occurred in the state of His Majesty's lamented indisposition.

I continue to receive from Foreign Powers the strongest assurances of their friendly disposition towards this Country, and of their desire to maintain the general tranquillity.

I am fully sensible of the attention which you have paid to the many important objects which have been brought before you.

I derive peculiar satisfaction from the measure which you have adopted, in pursuance of my recommendation, for augmenting the number of places of Public Worship belonging to the Established Church; and I confidently trust that this measure will be productive of the most beneficial effects on the religion and moral habits of the People.

Gentlemen of the House of Commons,

I thank you for the Supplies which you have granted to me for [1817—18.]

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the service of the present year ; and I highly approve of the steps which I have taken with a view to the reduction of the Unfunded Debt.

I am happy to be able to inform you, that the Revenue has been the subject of a course of continued improvement.

My Lords and Gentlemen,

On closing this Session I think it proper to inform you, that it was my intention forthwith to dissolve the present, and to give direct notice of calling a new Parliament. In making this communication, I have refrained from adverting to the important change which has occurred in the situation of this Country and of Europe, since I first met you at this place.

At that period, the dominion of the common Enemy had been widely extended over the Continent, that resistance to his power was by many deemed to be hopeless ; and in the extremities of the Continent alone was such resistance effectually maintained.

By the unexampled exertions which enabled me to make, in the various Countries, nobly contending for Independence, and by the assistance which was kindled in so many Nations, the Continent was at length delivered from the most galling and oppressive tyranny under which it had ever laboured ; and I had the happiness, by the blessing of Divine Providence, to terminate, in conjunction with His Majesty's Allies, the most eventful and sanguinary Contest in which Europe has for Centuries been engaged, with unparalleled success and glory.

The prosecution of such a Contest for so many years, and particularly the efforts which marked the close of it, have been followed within our own Country, as well as throughout the Continent of Europe, by considerable internal difficulties and distress. But, as I felt for the immediate pressure upon His Majesty's People, they nevertheless looked forward without dismay, having always the fullest confidence in the solidity of the resources of the British Empire, and the relief which might be expected from a continuance of Peace, and the patience, public spirit, and energy of the Nation.

These expectations have not been disappointed.

The improvement in the internal circumstances of the Country is happily manifest, and promises to be steadily progressive ; and I have a perfect assurance that the continued loyalty and exertion of all classes of His Majesty's Subjects will confirm these growing indications of National prosperity, by promoting obedience to the Laws, attachment to the Constitution, from which all our blessings are derived.

DECLARATION of the Bey of Tripoli, engaging that Tripolitan Ships shall not cruize in the British Channel. —Tripoli, 8th March, 1818.

WE, Yousef Caramanli, Basha Bey, Governor and Captain General of the City and Regency of Tripoli in the West; promise, and sincerely declare, by these presents, that we will, in future, give the strictest orders to the Captains of all our Ships, under the penalty of their severe punishment, that they are not to cruize near any Port of the Dominions of His Britannic Majesty, particularly in the British Channel, and Narrow Seas, and not to approach those Places.

Tripoli, the 8th March, 1818, corresponding to the 1st of the Second Giamat, in the year, 1233.

(L. S.)

Written by Order of His Highness, Sidé Yousef Basha Caramanli, who caused his Royal Seal to be placed above.

Accepted on the part of His Majesty's Government, under Instructions from His Excellency Lieutenant General Sir Thomas Maitland, Governor of Malta.

H. WARRINGTON,

British Consul General.

ACT of the Congress of The United States, " concerning Navigation ;" as regards Trade with the British American Colonies.—18th April, 1818.*

SECT. I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that from and after the 30th of September next, the Ports of The United States shall be and remain closed against every Vessel owned wholly or in part by a Subject or Subjects of His Britannic Majesty, coming or arriving from any Port or Place in a Colony or Territory of His Britannic Majesty, that is or shall be, by the ordinary Laws of navigation and trade, closed against Vessels owned by Citizens of The United States; and such Vessel, that, in the course of the voyage, shall have touched at or cleared out from any Port or Place in a Colony or Territory of Great Britain, which shall or may be, by the ordinary Laws of navigation and trade aforesaid, open to Vessels owned by Citizens of The United States, shall, nevertheless, be deemed to have come from the Port or Place in the Colony or Territory of Great Britain, closed as aforesaid, against Vessels owned by Citizens of The United States, from which such Vessel cleared out and sailed before touching at, and clearing out from, an intermediate and

* Suspended by Act of Congress of 1st March, 1823, and revived by Proclamation of 17th March, 1827.

open Port or Place as aforesaid; and every such Vessel, so coming from the Ports of The United States, that shall enter, or attempt to enter, the same, in violation of this Act, shall, with her tackle, and furniture, together with the Cargo on board such Vessel, be forfeited to The United States.

II. And be it further enacted, that, from and after the 30th of September next, the Owner, Consignee, or Agent, of every Vessel, owned wholly or in part by a Subject or Subjects of His Britannic Majesty, which shall have been duly entered in any Port of The United States, and on board of which shall have been the produce for exportation any article or articles, the growth, produce, or manufacture of The United States, other than provisions and sea stores necessary for the voyage, shall, before such Vessel shall have been cleared outward at the Custom-house, give Bond, in a sum double the value of such articles, with one or more Sureties, to the satisfaction of the Collector, that the article or articles so laden on board such Vessel for exportation, shall be landed in some Port or Place other than a Port or Place in a Colony or Territory of His Britannic Majesty, which, by the ordinary Laws of Navigation and Trade, is closed to Vessels owned by Citizens of The United States; and any such Vessel that shall sail, or attempt to sail, from any Port of The United States without having complied with the provision aforesaid, by giving such Bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to The United States: provided always, that nothing in this Act contained shall be so deemed or construed, as to interfere with any Provision of the Convention to regulate Commerce between The United States and of His Britannic Majesty, bearing date the 3d of July, 1815.*

III. And be it further enacted, that the form of the Bond aforesaid shall be prescribed by the Secretary of the Department of the Treasury, and the same shall and may be discharged, and not otherwise, by the production of, and by the producing, within one year after the date thereof, a like Certificate as that required by and under the regulations contained in the 81st Section of the Act "to regulate the collection of Duties on Imports," passed the 2nd day of March, 1799, that the articles of the growth, produce, and manufacture of The United States, laden as aforesaid, were unladen and landed conformably to the provisions of this Act, in cases of loss by sea, by capture, or other unavoidable accident; and by the production of such other proofs as the nature of the case may require, to admit, according to the provisions of the said 81st Section of the Act, as aforesaid.

IV. And be it further enacted, that all penalties and forfeitures incurred by force of this Act, shall be sued for, recovered, and distributed as follows:

* See Commercial Treaties. Vol. II. Page 386.

and accounted for, and may be mitigated or remitted, in the manner and according to the provisions of the Revenue Laws of The United States.
[Approved, 18th April, 1818.]

ORDONNANCE du Roi de France, relative à l'Administration des Etablissemens dits Britanniques, fondés en France pour l'instruction des jeunes Catholiques d'Angleterre, d'Ecosse et d'Irlande.

Au Château des Tuileries, le 17 Décembre, 1818.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, salut.

Par notre Ordonnance du 17 Septembre, 1817, concernant l'administration des Etablissemens dits Britanniques, fondés en France, avec la permission et sous l'autorité des Rois nos Prédécesseurs, pour l'éducation des jeunes Catholiques d'Angleterre, d'Ecosse et d'Irlande, nous nous sommes réservé de donner, sur l'avis du Bureau gratuit et la proposition de notre Ministre Secrétaire d'Etat au Département de l'Intérieur, des réglemens qui concilient l'ordre et l'économie dans les dépenses avec le respect dû aux intentions des fondateurs.

Il nous été exposé que les revenus de ces Etablissemens ayant éprouvé de grandes diminutions par l'effet des circonstances passées, ils ne peuvent plus suffire à toutes les charges imposées par les Actes d'institution, et que, pour se rapprocher des volontés des fondateurs, il est indispensable de réduire au strict nécessaire les dépenses qui n'ont pas pour objet l'entretien des bourses, et sur-tout les frais d'administration, qui, nonobstant les améliorations préparées par nos dernières Ordonnances, sont encore hors de toute proportion avec la valeur des biens à administrer.

Nous avons, en conséquence, jugé qu'il était convenable d'opérer la réunion des 3 sections de ces Etablissemens, quant à la gestion seulement, et de manière que les ressources et les charges de chacune d'elles demeurent toujours distinctes.

Nous avons considéré, en outre, qu'en reconstituant des *pensionnats spéciaux* tels qu'ils existaient autrefois, on serait entraîné dans des frais considérables au détriment des bourses, et sans avantage pour les boursiers admis dans ces pensionnats, qui n'y trouveraient pas des moyens d'instruction comparables à ceux que leur offriront les Colléges Royaux, les grands et petits séminaires, et même plusieurs institutions particulières déjà organisées.

Au moyen de ces dispositions, les revenus des Etablissemens dits Britanniques seront à l'avenir employés, presque en totalité, à l'objet essentiel des fondations, par les soins du Bureau gratuit auquel nous

avons conféré et conférons de nouveau l'administration de ces semens, sous l'autorité de notre Ministre Secrétaire d'Etat au département de l'Intérieur, ainsi que la gestion des fonds, la surveillance et direction de l'Administrateur et du Caissier qui, au Bureau, seront chargés de tous les détails du service.

A ces causes,

Vu divers Actes et Documens concernant la fondation des semens dits Britanniques et des bourses qui y sont attachées ;

Ensemble les Lettres Patentes et autres Actes de l'autorité de nos Rois nos Prédécesseurs, par lesquels ils ont autorisé les dits semens, et ont apporté de temps en temps à leur administration l'organisation les réformes que les circonstances réclamaient ;

Notamment les Lettres Patentes de 1640, portant réunion des fondations de l'Evêque de Murray et de l'Archevêque de Glasgow, et le seul Collège dit des Ecossois ;

L'Arrêt du Conseil de 1787, attribuant à l'Archevêque l'administration supérieure du Collège des Irlandais ;

Les divers Actes appliquant (après la suppression des Jésuites en France) aux collèges des Jésuites Britannique de Poitiers, Saint-Omer, les dispositions de l'Edit de Février 1763, concernant les Collèges qui ne dépendaient pas des Universités ;

Vu l'avis du Bureau gratuit, donné en conformité de notre Décret du 17 Septembre, 1817 ;

Notre Conseil d'Etat entendu,

Nous avons ordonné et ordonnons ce qui suit :

TITRE I.—*Dispositions des Fonds.*

ART. I. Les fonds appartenant aux Etablissements Britanniques, sauf les frais indispensables de conservation et d'administration, seront employés en entier à l'exécution des fondations.

II. Il sera dressé un état général de toutes les bourses et fondations faites en France, à différentes époques, pour l'instruction des Catholiques Britanniques : on y indiquera pour chacune,—

1. Le nom du Fondateur ;
2. Le titre et l'époque de la fondation ;
3. La somme qui y est affectée ;
4. Les conditions d'idoneité nécessaires pour en jouir ;
5. L'objet spécial d'instruction énoncé par le Fondateur, et les temps qu'il peut exiger ;
6. Le mode suivant lequel doit être nommé le titulaire, et la personne chargée, soit de le présenter, soit d'approuver ou de certifier la présentation faite.

Il sera fait un autre état où seront indiqués sous des titres particuliers pour chacune des 3 sections Britanniques,

1. Tous les immeubles qui se trouvent aujourd'hui appartenant

dits Etablissemens, soit que ces propriétés leur aient été données par les Fondateurs, soit qu'elle aient été acquises au profit de ces Etablissemens par leurs administrateurs.

2. Les fonds placés, tant sur l'Etat que sur les particuliers, soit au nom général des établissemens propres à l'une des 3 sections, soit au nom spécial de l'un de ces Etablissemens.

III. Ces opérations seront faites sous les yeux et par les soins du Bureau gratuit dont il sera question au Titre III. ci-après.

Il y procédera aussitôt son entrée en fonctions.

A cet effet, il se fera remettre, sur inventaire et récépissé, par les administrateurs actuels des divers Etablissemens et par tous autres détenteurs ou dépositaires à titre quelconque, tous les titres et papiers appartenant auxdits Etablissemens, pour être déposés aux Archives.

Faute par quelques-uns des dits administrateurs, détenteurs ou dépositaires, de faire ladite remise dans le délai d'un mois après en avoir reçu l'ordre, ils pourront y être contraints par les voies de droit.

IV. Les familles ou autres patrons et collateurs de bourses auront un délai d'une année pour présenter leurs titres, et faire constater leurs droits, si aucuns avaient été mis en oubli. A cet effet, un Extrait de la présente Ordonnance sera rendu public par le voie des journaux.

V. Les immeubles désignés en l'Article II. ci-dessus, seront donnés à loyer par le Bureau gratuit, suivant les formes usitées pour les Etablissemens Publics.

Le produit de ces locations, ainsi que les revenus provenant des fonds placés, seront versé dans une caisse commune à tous ces Etablissemens.

VI. La portion de ce produit qui sera propre à chacune des 3 Nations, sera affectée à la totalité des fondations qui la concernent; chaque bourse fondée y prendra part dans une proportion déterminée par le rapport où seront entre elles la masse des fonds propres et celle de ces fondations.

Toutefois, les bourses dont les dotations subsisteraient encore en nature, seront affectées dans leur entier à leur destination particulière.

VII. Les patrons qui ont droit de présenter aux bourses, seront prévenus du taux auquel elles se trouvent ainsi fixées en vertu du précédent Article, et avertis qu'il ne peut être employé pour chaque boursier que la somme afférente à la bourse dont il sera titulaire. Toutefois, avec le consentement des collateurs, dûment notifié au Bureau gratuit, les revenus appartenant à 2 ou plusieurs bourses insuffisantes chacune séparément à l'entretien complet d'un boursier, pourront être réunis en une seule bourse plus forte, laquelle sera conférée alternativement par les collateurs des différentes bourses qui auront été réunies pour la former.

VIII. Les fonds afférens aux bourses auxquelles il n'aurait point

été présenté, et tous autres fonds disponibles, déduction faite de l'administration, qui sont réglés par notre Ministre Secrétaire de l'Intérieur, sur la proposition du Bureau gratuit, seront versés à la caisse des dépôts et consignations. Les intérêts en provenant seront répartis chaque année, capitalisés pour augmenter d'autant le revenu des bourses.

IX. Il ne sera rien alloué aux titulaires des bourses, pour le voyage des Iles Britanniques en France, ni pour le retour dans leur pays, à moins que cet avantage ne soit expressément accordé par le titre de la fondation.

X. Les pensions qui ont pu être accordées jusqu'à ce jour aux anciens administrateurs, continueront à être payées. Il n'est accordé aucune autre qu'après 30 ans de service effectif.

TITRE II.—*Disposition des Elèves.*

XI. Nous nous réservons de statuer ultérieurement, d'après le Rapport de notre Ministre Secrétaire d'Etat de l'Intérieur et l'avis du Bureau gratuit, et lorsque l'accroissement des revenus en offre des moyens sans nuire à l'accomplissement des fondations, sur la proposition du Bureau gratuit, les Collèges Royaux de Paris et des Départemens et les Institutions particulières où seront placés des boursiers dans une des maisons existantes.

XII. En attendant, les titulaires régulièrement appelés à jouir des bourses fondées pourront être placés comme pensionnaires dans les Etablissmens autorisés par nous pour l'instruction publique.

Notre Ministre Secrétaire d'Etat de l'Intérieur désignera, à cet effet, sur la proposition du Bureau gratuit, les Collèges Royaux de Paris et des Départemens et les Institutions particulières où seront placés des boursiers d'après le taux de leurs bourses.

En justifiant qu'il peut acquitter la différence, un boursier pourra être placé dans une institution ou dans un collège dont la pension est plus élevée.

XIII. Les titulaires des bourses qui ont pour objet de conduire les élèves à l'état ecclésiastique, et ceux qui se destineraient d'eux-mêmes à cette profession, seront placés, selon leur âge et leur instruction, dans les grands ou petits séminaires qui seront désignés par notre Ministre Secrétaire d'Etat de l'Intérieur, sur la proposition du Bureau gratuit et de l'avis de l'Evêque Catholique du Diocèse auquel le titulaire appartient.

XIV. Quant à ceux dont les bourses peuvent, après l'étude de l'humanité, s'appliquer, à l'étude du droit, de la médecine ou des sciences naturelles, ils toucheront, en attendant qu'il y ait un pensionnat, le montant de leurs bourses sur les mandats de l'administrateur général ci-après institué sous la surveillance duquel ils continueront d'être jusqu'à la fin de leurs cours.

XV. Le prix de la pension des élèves dans les Collèges Royaux et les Institutions ou Séminaires où ils seront placés, sera réglé de man-

ce qu'il soit pourvu à tous leurs besoins, et que l'Administrateur n'ait rien de plus à fournir.

XVI. Le paiement des bourses ne sera jamais prolongé par les élèves au delà du temps qu'ont fixé les usages et les réglemens pour les divers genres d'études auxquels les fondations sont affectées.

XVII. Les titulaires des bourses pour l'exécution desquelles le fondateur a institué quelque Administrateur spécial, seront placés, comme les autres, sous la direction de l'Administrateur Général ; mais la personne désignée par le fondateur pour l'administration de la bourse sera autorisée à s'assurer près de celui-ci que toutes les conditions de la fondation ont été exécutées.

TITRE III.—*De l'Administration.*

XVIII. L'Administration des Etablissements Britanniques est confiée, sous la surveillance et l'autorité de notre Ministre Secrétaire d'Etat de l'Intérieur, à un Bureau gratuit ; le service est fait par un Administrateur Général et un Cassier comptable, qui sont l'un et l'autre sous la direction et l'autorité du Bureau.

XIX. Le Bureau est composé de 1 Président et de 8 Membres qui seront nommés par nous, sur la présentation de notre Ministre Secrétaire d'Etat de l'Intérieur. Nous nous réservons d'y adjoindre des Membres Honoraires, choisis de préférence dans les familles de notre Royaume originaires de la Grande Bretagne et de l'Irlande. Un Secrétaire Archiviste est attaché au Bureau.

XX. Il sera réservé, dans une des maisons appartenant aux Etablissements Britanniques, un local pour placer les Archives et pour les séances du Bureau.

Le Secrétaire du Bureau sera chargé des Archives.

XXI. Le Bureau s'assemblera au moins une fois par mois, et plus souvent s'il est nécessaire.

Le Bureau ne pourra délibérer, si la majorité des Membres n'est présente ; tous les Membres présens à la séance signeront les délibérations qui y auront été prises.

L'Administrateur Général et le Cassier des Etablissements auront voix consultative lorsqu'ils seront appelés aux Assemblées.

XXII. Les fonctions du Bureau gratuit seront :

1. De vérifier, sur le rapport de l'Administrateur Général, si les présentations aux bourses sont faites conformément aux fondations ;
2. D'envoyer la Note des Présentations régulièrement faites à notre Ministre Secrétaire d'Etat de l'Intérieur, lequel donnera les ordres nécessaires pour l'admission des élèves dans les maisons où ils doivent être placés, en conformité des Articles XII et XIII ci-dessus ;
3. De donner au Ministre son avis sur les réclamations qu'élèveraient, soit les patrons des bourses, soit les titulaires, soit les prélats Catholiques des Iles Britanniques ;

4. De transmettre au Ministre, avec ses observations, seignemens que lui donnera périodiquement l'Administrateur conduits des élèves, sur leurs progrès, ainsi que sur leurs fautes mesures qu'elles pourraient provoquer ;

5. D'entendre et de régler les comptes du Caissier, et de le remettre à notre Ministre Secrétaire d'Etat de l'Intérieur, pour lui définitivement arrêtés ;

6. De fournir au Ministre toutes les notions dont il jugera besoin pour la direction et la surveillance de l'Administration

7. De dresser le budget annuel des dépenses, lequel sera à l'approbation de notre Ministre Secrétaire d'Etat de l'Intérieur

XXIII. L'Administrateur Général sera un Ecclésiastique ligue de l'une des 3 Nations Britanniques, choisi par nous liste de candidats qu'aura formée notre Ministre Secrétaire d'Intérieur.

XXIV. L'Administrateur ainsi nommé résidera à Paris ; logé dans la maison où seront placées les Archives ; il ne pourra guer ses fonctions, et s'il est obligé de s'absenter, il en prie notre Ministre Secrétaire d'Etat de l'Intérieur, qui, sur le Bureau gratuit, chargera quelqu'un de le remplacer provisoire.

XXV. Les fonctions de l'Administrateur Général seront ;

1. De correspondre, tant avec les Prélats des Eglises Catholiques des 3 Nations, sur ce qui concerne les fondations, qu'avec les milles qui ont intérêt à la présentation des bourses ;

2. De donner au Bureau gratuit connaissance des vacances présentations faites pour y pourvoir, et des difficultés auxquelles pourront donner lieu ;

3. De se tenir en relation avec les Chefs des Etablissements où seront placés les élèves, afin de connaître les besoins et la conduite de ces jeunes gens, d'en instruire leurs familles, et d'en rendre compte 3 mois au Bureau un compte détaillé : il comprendra dans ce compte les élèves désignés dans l'Article XII, qui, n'étant pas placés dans les maisons d'éducation, demeureront néanmoins sous notre protection sous sa surveillance ;

4. De veiller à la conservation des immeubles appartenant aux Etablissements, d'en provoquer la location et les réparations, et de suivre, au nom du Bureau gratuit, auprès des Tribunaux, les contestations qui pourraient s'élever à cet égard, et, en général, de procéder suivant les formes établies pour les administrations publiques ;

5. De délivrer les Mandats de Dépenses d'après le Budget approuvé ou en vertu de décisions spéciales du Bureau gratuit, approuvées par notre Ministre Secrétaire d'Etat de l'Intérieur, dont aucune ne pourra être acquittée que sur son Mandat.

XXVI. Le Caissier tiendra 3 comptabilités séparées, une pour chaque section.

XXVII. Le produit des locations, celui des fonds placés et tous les revenus quelconques des Etablissements seront versés entre ses mains. Le Caissier en assurera, sous sa responsabilité, les recouvrements, recettes et perceptions. Il sera soumis aux lois et réglemens relatifs aux comptables des deniers publics.

XXVIII. Le Caissier remplira en même temps les fonctions de payeur. A ce titre, il acquittera, sur pièces comptables et sur les mandats de l'Administrateur, toutes les dépenses des Etablissements : il paiera exactement aux échéances, entre les mains des Chefs des Maisons d'Education où seront placés les élèves, les pensions de ces jeunes gens.

XXIX. Si, par suite des vacances de bourses ou par l'effet d'économie sur quelques parties, il se trouve des sommes momentanément disponibles, le Caissier les versera, sans délai, dans la caisse des dépôts et consignations, pour porter intérêt. Le montant du versement qu'il aura fait, sera notifié par lui au Bureau gratuit.

Le Bureau prescrira, lorsqu'il l'estimera convenable, le placement à 5 pour cent consolidés, des sommes versées à la caisse des dépôts et consignations.

XXX. Chaque mois, le Caissier remettra au Bureau gratuit ses états de situation ; le Bureau déterminera la somme qu'il jugerait devoir être versée dans la caisse des dépôts et consignations.

XXXI. Chaque année, le Caissier rendra au Bureau gratuit un compte de sa gestion pour chacune des 3 sections.

Le compte de chaque section sera divisé en 2 parties.

La première indiquera les sommes reçues, tant des locataires ou contributeurs particuliers, que de l'état et de la caisse des dépôts et consignations.

La seconde partie comprendra toutes les dépenses, tant des bourses de chaque Nation, que des frais d'administration.

XXXII. Aucune dépense ne sera allouée au caissier, si elle n'est puyée du Mandat de l'Administrateur, et en outre portée au budget annuel dûment arrêté ou autorisé par une décision spéciale du Bureau gratuit, approuvé par notre Ministre Secrétaire d'Etat de l'Intérieur.

XXXIII. Le Caissier, pour garantie de sa gestion, devra fournir cautionnement de la valeur de 20,000 francs en immeubles, situés en France, ou une caution solvable pour la même somme.

XXXIV. Nous nous réservons de déterminer, sur le rapport de notre Ministre Secrétaire d'Etat au Département de l'Intérieur et la proposition du Bureau gratuit,

1. Le traitement annuel de l'Administrateur ;
2. La remise du Caissier, laquelle lui tiendra lieu de tous frais de bureau, registres et autres ;
3. Le traitement annuel du Secrétaire Archiviste ;
4. La somme qui pourra être employée, chaque année, en frais de

Bureau, compris ceux du Bureau gratuit, et le chauffage et électricité des assemblées.

La somme nécessaire à ces diverses dépenses sera prise sur les fonds des 3 sections et pour chacune en proportion de ses ressources. Elle ne pourra être dépassée sans notre autorisation spéciale.

XXXV. Toutes contestations sur des droits de propriété ou droits revendiqués en vertu de titres, seront renvoyées devant les tribunaux ordinaires comme matière soumise au droit commun.

XXXVI. Nos Ordonnances des 21 Juin, et 23 Septembre, des 16 Janvier et 30 Octobre, 1816, et celles des 25 Janvier, 1817, 17 Septembre, 1817, sont rapportées en ce qui serait contraire aux dispositions prescrites par la présente Ordonnance.

XXXVII. Notre Ministre Secrétaire d'Etat de l'Intérieur chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné en Notre Château des Tuileries, le 17 Décembre, 1818, et de Notre Règne le 24me.

Par le Roi :

Le Ministre Secrétaire d'Etat au Département de l'Intérieur

**LOI des Pays Bas, relative aux Dépenses Publiques
l'Année 1818.—La Haye, le 9 Février, 1818.**

Nous, Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, d'Orange Nassau, Grand Duc de Luxembourg, &c. &c. &c.

A tous ceux qui les présentes verront, salut ! Savoir faisons

Ayant pris en considération la nécessité de régler les dépenses du Royaume pour l'Année 1818 ;

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats Généraux,

Avons statué, comme nous statuons par les présentes :

ART. I. Le Budget des Dépenses du Royaume, pour l'Année 1818, est arrêté comme suit :

	<i>Florins</i>
CHAPITRE I. Maison du Roi	2,600,000
II. Grands Corps de l'Etat	1,170,000
III. Département du Secrétaire d'Etat...	320,000
IV. Département des Affaires Etrangères	853,000
V. Département de la Justice	3,700,000
VI. Département de l'Intérieur.....	2,000,000
VII. Département du Culte Protestant et des autres Cultes, à l'exception du Culte Catholique	1,325,000
VIII. Département du Culte Catholique ..	1,875,000

	<i>Florins.</i>	<i>C.</i>
CHAPITRE IX. Département de l'Instruction Pub-		
lique, des Arts et des Sciences ...	1,200,000	00
X. Département des Finances.....	25,000,000	00
XI. Département de la Marine.....	5,500,000	00
XII. Département de la Guerre....	22,000,000	00
XIII. Département du Waterstaat et des		
Travaux Publics	4,700,000	00
XIV. Département du Commerce et des		
Colonies	1,100,000	00
XV. Dépenses imprévues	657,000	00
<hr/>		
Total, <i>Florins</i>...	74,000,000	00
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II. La présente Loi sera insérée au Journal Officiel.

Donné à la Haye, le 9 Février de l'an 1818, et de notre Règne le
e.

Par le Roi :

GUILLAUME.

A. R. FALCK.

*01 des Pays-Bas, sur l'exercice de la Grande Pêche, ou
Pêche du Hareng.—La Haye, le 12 Mars, 1818.*

Nous, Guillaume, par la Grâce de Dieu, Roi des Pays-Bas,
nce d'Orange-Nassau, Grand-Duc de Luxembourg, etc., etc., etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que la Grande Pêche, ou Pêche du
reng de ce Royaume a été constamment l'objet de la sollicitude et
la protection du Gouvernement ;

Qu'il a été pris à diverses époques des mesures pour prévenir les
sta pernicieux de tous procédés et mauvaises pratiques, qui pour-
ent diminuer ou faire perdre la réputation du hareng pris et caqué
les pêcheries de ce Royaume ;

Que l'heureux résultat dont ces mesures ont été suivies, est une
uve permanente de leur utilité, et que tout réc. ame par conséquent
nécessité de les maintenir avec vigueur ;

Considérant en outre qu'à certains égards cette pêche ne se fait
de la même manière dans toutes les Provinces du Royaume ; et
il importe de prévenir, qu'en protégeant l'une et l'autre pêche, elles
se nuisent réciproquement, et de faire en sorte qu'au contraire elles
tribuent de concert à accroître et à faire fleurir cette branche de
dustrie Nationale ;

A ces causes, Notre Conseil-d'Etat entendu, et de commun accord avec les Etats-Généraux,

Avons statué et statuons par les présentes :

Dispositions Générales.

ART. I. La pêche du hareng, sous Pavillon des Pays-Bas, ne pourra être exercée que pour le compte d'habitans du Royaume, et des Bâtimens appartenans à ce Pays.

II. Nul Armateur pour la pêche du hareng ne pourra s'adresser à un Etranger, ou lui prêter son nom à cet effet, sous peine d'une amende de 2,000 florins.

III. Il est défendu sous peine de la même amende à tout habitant du Royaume de participer, même indirectement, à aucune pêche de hareng exercée sous Pavillon Etranger.

IV. Quiconque entreprendrait d'attirer, directement ou indirectement, des habitans de ce Royaume, pour exercer la pêche du hareng dans un Pays Etranger, sera puni d'une amende de 2,000 florins, ou d'un emprisonnement d'une année.

V. Tout pêcheur qui s'engagera pour la pêche étrangère de hareng, ou qui l'aura exercée, sera puni d'un emprisonnement de six mois.

VI. Toute importation de hareng étranger, soit frais, caqué, ou fumé, est défendue, à peine de confiscation et d'une amende de 500 florins pour chaque barrique de hareng salé en caque, et de 500 pour chaque 100 de harengs frais ou fumés.

Surveillance et Police de la Pêche du Hareng.

VII. La Loi, et les Arrêtés Royaux pris en conséquence, régiront la police extérieure ou la surveillance générale de la pêche du hareng d'une manière uniforme pour tout le Royaume.

VIII. La police intérieure ou les dispositions particulières relatives à ces pêches seront réglées pour chaque Province, par leurs respectifs; ces réglemens provinciaux ne pourront rien contenir de contraire aux dispositions générales.

IX. La police intérieure des pêches du hareng comprendra les détails des équipemens, les formalités à observer pour demander la permission d'armer pour la pêche du hareng, l'obtention de la permission, la préparation, le triage et le salage du hareng, ainsi que les précautions nécessaires relativement aux Bâtimens qui, armés pour la pêche de la morue, prennent en même temps à bord des filets propres à la pêche du hareng.

X. Dans chaque Province maritime où cela sera jugé nécessaire, les Etats provinciaux établiront, sous notre approbation, un Commissaire spécialement chargé de la direction de tout ce qui concerne la pêche et le commerce du hareng.

KI. Dans les Provinces où la pêche du hareng n'est pas assez considérable pour motiver l'établissement d'un Collège de Direction particulier, les Etats Provinciaux pourront confier cette direction à un autre Collège, qui s'y trouve chargé du soin de ce qui concerne ces pêches.

KII. Tous ceux qui exercent la pêche du hareng, sans être soumis à cet effet de la manière réglée par les Etats Provinciaux, sont punis, savoir: l'Armateur du Bâtiment d'une amende de 300 à 400 florins, et le Pilote d'un emprisonnement de 15 jours à 2 mois.

Des différentes espèces de Pêches du Hareng.

KIII. La grande pêche, ou la pêche du hareng destiné à être salé et caqué, est celle qui se fait durant l'été et l'automne avec des Bâtimens à quille, à la hauteur de Hitland et d'Edimbourg et sur les Côtes de l'Angleterre.

KIV. Le but de cette pêche est de prendre du hareng de la meilleure qualité, de le caquer en mer, de l'y saler et mettre en futaille, pour le commerce à l'Etranger et le débit dans l'intérieur du Royaume.

KV. La petite pêche, où la pêche au hareng frais, est celle qui se fait en pleine mer, principalement dans le parage appelé diep water, au nord-est de Yarmouth, avec des Vaisseaux plats sans quille, qui ordinairement n'entrent pas dans les Ports, mais abordent sur les Côtes.

KVI. Est provisoirement maintenue sur l'ancien pied la prohibition de caquer, en mer ou à terre, le hareng provenant de cette pêche, à peine, pour le Pilote, d'un emprisonnement d'un mois; et pour l'Armateur et tous autres contrevenans, d'une amende de 5 florins pour chaque 100 de harengs, outre et indépendamment de la confiscation de ce hareng.

Néanmoins il est loisible au Roi de statuer ultérieurement sur la position des Etats Provinciaux, si et jusqu'à quel point, en quel temps et en quelle manière il sera permis de caquer, et préparer en saumure du hareng pec, le hareng provenant de cette pêche, en ayant égard aux intérêts de la grande pêche et au maintien de la réputation de la saumure au hareng des Pays-Bas.

XVII. La pêche du hareng dit *panharing* est celle qui se fait, avec ou sans Batéau, dans toute l'étendue du Royaume, dans les rades et à leurs embouchures, dans les rades, dans les golfes, et le long des Côtes jusqu'à la distance d'une lieue du rivage.

XVIII. Il est défendu à tous Pêcheurs, Armateurs, Commerçans et autres Personnes quelconques de caquer ou mettre en saumure le hareng pec, le hareng provenant de cette pêche, à peine d'un emprisonnement d'un mois, et d'une amende de 5 florins pour chaque 100 de harengs, indépendamment de la confiscation de ce hareng.

KIX. Les dispositions ultérieures, relatives à cette pêche, seront

réglées par les Etats dans leurs Provinces respectives, et ils sont autorisés à comminer contre les Délinquans la peine d'un emprisonnement de 15 jours à 3 mois, et d'une amende qui ne pourra excéder 50 florins, cumulativement ou séparément.

Ce qui doit être observé par les Pêcheurs durant le Voyage, départ et d leur retour.

XX. Tous les Pilotes de Navires équipés pour la pêche du hareng seront obligés d'amener dans le Royaume le hareng que ces Navires auront pris, à peine d'un mois d'emprisonnement et d'une amende de 50 florins.

XXI. Tous Pêcheurs allant à la pêche du hareng seront tenus, après avoir quitté le Port ou le lieu où s'est fait l'équipement, de rendre directement, si le tems et le vent le permettent, au lieu de destination pour la pêche; la même chose devra être observée au retour.

XXII. Hors le cas d'une urgente nécessité, il ne leur sera permis, soit en allant, soit en revenant, d'aborder en Pays Etranger, même dans une autre Province du Royaume, que celle où l'armement a eu lieu.

XXIII. Il est défendu à tout Pêcheur, sous peine d'un mois d'emprisonnement et d'une amende de 100 florins, de vendre en Pays Etranger le hareng qu'il a pris, de l'y échanger ou d'en faire don.

XXIV. Il est défendu sous la même peine aux Pêcheurs d'apporter le hareng en mer ou dans un Pays Etranger, pour l'importer dans le Royaume des Pays-Bas.

XXV. L'Armateur qui, outre la destination ordinaire et permise, a équipé un Navire pour la pêche, sera convaincu de lui avoir donné une autre destination, nommément pour acheter du hareng en Pays Etranger, ou pour vendre sa pêche en Pays Etranger, sera puni d'une amende de 50 florins pour chaque barrique de hareng étranger qu'il aura importée; et d'une amende de 3,000 florins s'il a vendu le hareng de sa pêche en Pays Etranger.

Fixation du temps pendant lequel il sera permis de faire la Pêche du Hareng.

XXVI. Avant le 24 Juin au soir et après le 31 Décembre, il sera permis à aucun habitant de notre Royaume de jeter le filet pour prendre du hareng en pleine mer.

En cas de contravention, le Pilote sera puni d'un mois d'emprisonnement et d'une amende de 60 florins.

Si l'Armateur de Navire a eu préalablement connaissance de la contravention, il encourra une amende de 1,000 florins.

XXVII. Cette prohibition ne s'étend pas aux bâtimens mentionnés à l'Article IX, qui, mettant en mer pour aller à la pêche de la morue, prennent à bord quelques filets à prendre du hareng. Ce p

la matière de dispositions ultérieures à arrêter par les Etats Provinciaux.

XXVIII. Il devra être tenu, sur les Navires destinés à la pêche du hareng, des rôles d'équipages, que le Pilote et tous les autres hommes d'équipage seront obligés de signer. La forme de ces rôles sera sérieusement réglée et déterminée par les Etats Provinciaux.

XXIX. Les Etats Provinciaux pourront fixer l'époque à laquelle il sera permis aux Pêcheurs de hareng de rentrer, sauf le cas d'une urgente nécessité ou d'une pêche extraordinairement abondante.

XXX. Pourront également les Etats Provinciaux fixer l'époque du commencement de la petite pêche, ou pêche du hareng frais, et statuer contre ceux qui contreviendront à cette disposition ou à celle de l'Article précédent, une amende, laquelle ne pourra excéder 100 florins.

Des Bâtimens dits jagers.

XXXI. Il sera permis d'expédier chaque année vers la flotte employée à la pêche du hareng quelques bâtimens pour prendre abord le produit de la première pêche et le ramener promptement dans le Royaume.

XXXII. Ces Bâtimens, connus sous le nom de *haring-jagers*, pourront importer leur chargement que dans le Port d'où ils sont partis.

XXXIII. L'époque à laquelle ces expéditions pourront commencer, ou celle où elles devront finir, seront réglées par les Etats Provinciaux.

XXXIV. Les Articles XX, XXI, XXII, XXIII, XXIV, et XXV, sont applicables aux Armateurs et aux Patrons des Bâtimens dits *haring jagers*.

Ce qui doit être observé dans le lieu où se fait la pêche.

XXXV. Il est défendu à tout Pêcheur du Royaume, de pêcher le hareng, en quelque temps que se soit, entre les bancs et les rochers de la Norwège, de l'Irlande et de l'Ecosse.

XXXVI. Les torts et les dommages que des Pêcheurs pourraient causer mutuellement en mer, seront punis, indépendamment du paiement des dommages-intérêts, d'une amende de 10 à 100 florins, et d'un emprisonnement de 10 à 30 jours.

XXXVII. Les Navires, et les instrumens à l'usage de la pêche devront être pourvus de marques convenables; les dispositions particulières à cet égard seront réglées par les Etats Provinciaux.

L'expertise du hareng en caque, et des marques à apposer sur les futailles dont on se sert pour le saler et le mettre en barriques.

XXXVIII. Avant que le hareng en caque puisse être mis en vente, ou expédié du lieu où il a été primitivement apporté, il devra être examiné par des Experts jurés commis à cet effet, et le nom du

lieu où il a été directement apporté devra être empreint avec chaud sur les futailles qui le contiennent.

XXXIX. Le hareng en caque qui a été transporté d'une Province dans une autre, pourra être expédié à l'étranger dans les mêmes futailles sans autre marque que celle du lieu ; mais s'il a été versé d'autres futailles, celles-ci ne pourront être expédiées à l'étranger qu'après qu'on y aura empreint avec un fer chaud les armes de la Province où ce hareng a été primitivement apporté.

XL. La marque de la Province ne pourra être empreinte sur les futailles, qu'après qu'elles auront reçu les signes ou marques provinciales, déterminées par les Réglemens Provinciaux.

XLI. Si le Marqueur empreint avec le fer chaud le nom des armes de la Province sur des futailles qu'il sait contenir du hareng étranger ou venant d'une autre Province, il sera puni d'une année d'emprisonnement.

XLII. Tous les Vaisseaux, grands ou petits, qu'on emploie pour la salaison du hareng, devront être préalablement visités et approuvés par les Experts jurés commis à cet effet.

XLIII. Les Experts préposés tant à la visite du hareng qu'à la visite des futailles, et les Marqueurs commis pour l'empreinte, tiendront la marque du lieu que de celle de la Province, seront nommés et sermentés par la Régence Locale.

XLIV. Les Etats Provinciaux arrêteront les Instructions pour les Experts visiteurs et les Marqueurs, et ils détermineront les marques particulières, qui doivent être apposées sur les futailles, à l'effet de pouvoir distinguer en quelle année le hareng a été pêché, et quelle est la qualité et l'espèce.

XLV. Quiconque, dans l'étendue du Royaume, vendra du hareng ou en expédiera, soit pour l'intérieur, soit à l'étranger, sans que les futailles soient pourvues des marques requises, sera puni d'une amende de 20 florins pour chaque futaille, grande ou petite.

Disposition Additionnelle.

XLVI. Les primes accordées pour la pêche du hareng, seront réglées par le Roi, eu égard aux frais nécessaires pour les dépenses d'armemens.

XLVII. Tous les Statuts provinciaux et locaux, qui ne sont pas contraires aux dispositions de la présente Loi, sont maintenus, jusqu'à ce qu'il y soit autrement pourvu par les Etats Provinciaux.

Mandons et ordonnons, que la présente Loi soit insérée au *Journal Officiel*, et que Nos Ministres et autres Autorités qu'elle concerne tiennent strictement la main à son exécution.

Donné à La Haye, le 12 Mars de l'an 1818, et de notre règne le 5ème.

GUILLAUME

Par le Roi, A. R. FALCK.

DONNANCE du Roi de France, portant Règlement pour l'exécution des Conventions arrêtées entre les Offices des Postes de France et de Prusse, pour le transport de la Correspondance des 2 Royaumes.—Paris, le 6 Février, 1818.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre ;
Vu la Loi du 27 Frimaire, an VIII [18 Décembre, 1799], celle du
Choréal, an X [4 Mai, 1802], et l'Article XX du Titre V de celle du
Avril, 1806, en ce qui concerne la taxe et les progressions de taxe
de poids des Lettres de France ;

Vu aussi les Conventions conclues et signées à Paris, le 16 Juillet,
1818, entre l'Office Général des Postes de France et l'Office Général
des Postes de Prusse ;

Sur le Rapport de notre Ministre et Secrétaire d'Etat des Finances,
Nous avons ordonné et ordonnons ce qui suit :

ART. I. A dater du 1^{er} jour d'Avril, 1818, le Public de France sera
permanents libre d'affranchir ou de ne point affranchir ses Lettres et
Paquets pour tous les Etats Prussiens jusqu'à destination, pour la
Pologne Russe jusqu'à Thorn, et pour l'Empire de toutes les Russies
jusqu'à Memel.

I. L'affranchissement sera cependant obligatoire pour les Lettres
et Paquets chargés ou recommandés ;

Il sera pareillement indispensable d'affranchir les Gazettes et Jour-
naux, ainsi que les catalogues, les prospectus, les imprimés et les livres
en feuilles ou brochés :

Le tout, jusqu'à destination, si les envois se bornent aux Etats de
France ; jusqu'à Thorn, s'ils doivent passer dans la Pologne Russe ;
jusqu'à Memel, s'ils sont distribuables dans l'Empire de toutes les
Russies.

II. L'affranchissement libre des Lettres et Paquets de tous les
caractères du Royaume, pour tous les Etats Prussiens et autres qui
sont désignés dans l'Article I, sera perçu d'après les prix réglés par les
Tarifs concernant les taxes des Correspondances Françaises, pour toute
Lettre d'un poids au-dessous de 6 grammes, jusqu'à l'extrême Frontière
Française ; et depuis cette extrême Frontière jusqu'à destination dans
les Etats Prussiens, si les envois sont destinés pour ces Etats, et
jusqu'à Thorn ou jusqu'à Memel, selon qu'ils seront adressés dans la
Pologne Russe ou dans l'Empire de toutes les Russies, d'après les
Tarifs du Tarif Prussien converties en décimes, et d'après les progres-
sions particulières de ce Tarif, dont la première est d'un loth ou 15
grammes, et dont les autres croissent de demi en demi loth ou de
7½ grammes : et proportionnellement au poids des Lettres
et Paquets au-dessus du premier poids déterminé par les Tarifs
respectifs des 2 Offices pour une Lettre simple, selon les progressions

établies par les Lois de France et de Prusse, concernant les taxes des Correspondances.

IV. L'affranchissement libre des échantillons de marchandises, pourvu que les paquets soient présentés sous bandes ou d'une manière indicative de leur contenu, ne sera perçu qu'au tiers de la taxe. 2 Tarifs: le prix n'en sera cependant jamais au-dessous de celui réglé pour une Lettre simple par le Tarif de chacun des 2 Offices.

V. L'affranchissement obligatoire des Lettres et Paquets communs ou recommandés sera perçu d'avance au double des taxes fixées par les Tarifs de France et de Prusse, pour les affranchissemens ordinaires dont il est question dans l'Article III ci-dessus, soit jusqu'à destination dans les Etats Prussiens, si ces chargemens y sont distribuables, jusqu'à Thorn, s'ils sont adressés dans la Pologne Russe; soit jusqu'à Memel, s'ils doivent passer dans tous autres Etats de l'Empire de Russie.

VI. L'affranchissement des Gazettes et Journaux, ainsi que des catalogues, des prospectus, des imprimés et des livres en feuilles ou brochés, doivent pareillement être perçus d'avance; savoir les Gazettes et Journaux à raison de 8 *centimes*, pour les autres ouvrages de librairie à raison de 10 *centimes*, le tout par feuille d'impression et par chaque demi-feuille et quart de feuille, à proportion de la surface de l'autre de ces deux prix, selon la nature des ouvrages, soit qu'ils doivent être distribués dans les Etats Prussiens, soit qu'ils doivent être transmis dans quelqu'un des Etats Etrangers dont fait mention l'Article I.

VII. Les Lettres et Paquets, les échantillons de marchandises, Gazettes et Journaux, ainsi que tous autres ouvrages de librairie signés dans l'Article VI ci-dessus, et affranchis, les uns volontairement, et les autres obligatoirement, dans toute l'étendue du Royaume de Prusse, pour toute l'étendue du Royaume de France jusqu'à la frontière, seront distribués à leurs adresses, sans qu'il puisse être perçu aucun prix de port.

VIII. Les Correspondances originaires des Villes et Endroits compris dans le rayon de l'Office de Prusse, et timbrées *C. P. R.* 1, et les points d'échange Français, soit de Givet, soit de Forbach, taxées à raison de 4 *décimes* par Lettre simple ou d'un poids au-dessous de 6 grammes, et les Lettres et Paquets d'un poids au-dessus de 6 grammes et au-dessus, le seront proportionnellement à ce prix, selon les progressions du Tarif des postes de France.

IX. Les Correspondances des Villes et Endroits compris dans le 2ème rayon de l'Office Prussien, et timbrées *C. P. R.* 2, pour les Bureaux Frontières de Poste Française susnommés, seront taxées à raison de 6 *décimes* par Lettre d'un poids au-dessous de 6 grammes, et les Lettres et Paquets d'un poids de 6 grammes et au-dessus, proportionnellement à ce prix, d'après les progressions du Tarif Français.

X. Les Correspondances des Villes et Endroits du 3ème rayon

les Prussiennes, sous le timbre *C. P. R. 3*, pour les 3 Bureaux d'échange précités de la Frontière Française, seront taxées pour ces lettres de leur entrée dans le Royaume, à raison de 8 *décimes* par lettre d'un poids au-dessous de 6 grammes; et les Lettres et Paquets d'un poids de 6 grammes et au-dessus le seront proportionnellement à ce prix, selon les progressions du Tarif des postes du Royaume.

XI. Les Correspondances des Villes et Endroits du 4^{ème} rayon Prussien, et timbrées *C. P. R. 4*, pour les Bureaux Frontières de Forbach ou de Givet, seront taxées, pour ces 2 endroits, à raison de 10 *décimes* par Lettre simple ou d'un poids au-dessous de 6 grammes; et les Lettres et Paquets du poids de 6 grammes et au-dessus, proportionnellement à ce prix, selon les progressions du Tarif Français.

XII. Les Correspondances des Villes et Endroits circonscrits dans le 5^{ème} rayon des postes de Prusse, sous le timbre *C. P. R. 5*, ainsi que les Correspondances de la Pologne Russe et de l'Empire de Russie, en transit par le Royaume de Prusse et timbrées *T. P.* pour les Bureaux d'Echange prénommés de la Frontière Française, seront taxées pour ces endroits de leur entrée en France, à raison de 13 *décimes* par Lettre d'un poids au-dessous de 6 grammes; et les Lettres et Paquets du poids de 6 grammes et au-dessus le seront proportionnellement à ce prix, d'après les progressions du Tarif des postes Français.

XIII. Les Lettres et Paquets, tant des 5 rayons Prussiens que de la Pologne Russe et de l'Empire de Russie, en transit par le Royaume de Prusse, qui seront réexpédiés des Bureaux de Givet ou de Forbach pour toutes autres destinations en France, seront taxés, d'après leur poids, du prix fixé pour Givet ou pour Forbach, selon qu'ils seront envoyés par l'un ou par l'autre de ces 2 points d'échange Frontières; et du prix de port dû depuis l'un ou l'autre de ces 2 points jusqu'au point de leur distribution.

XIV. Les échantillons de marchandises adressés, soit des Etats Prussiens, soit de la Pologne Russe et de l'Empire de toutes les Russies, par l'intermédiaire des postes de Prusse, pourvu que les lettres et paquets soient mis sous bandes ou d'une manière indicative de leur contenu, ne seront taxés qu'au tiers des prix fixés pour les Lettres et Paquets de celui des rayons Prussiens d'où ils auront été expédiés, ou du prix auquel ils seront entrés en Prusse pour passer en France: pendant le prix de port n'en sera jamais moindre que celui d'une lettre simple.

XV. Les Gazettes et Journaux, ainsi que les catalogues, les prospectus, les imprimés et les livres en feuilles ou brochés, qui viendront de l'étranger non affranchis et sous bandes, par la voie des postes Prussiennes, seront taxés pour toute l'étendue de la France, savoir: les 2 premières espèces de ces ouvrages à raison de 8 *centimes*, toutes les autres à raison de 10 *centimes*, par feuille d'impression; et

à proportion de l'un ou de l'autre de ces 2 prix, par demi-feuille par quart de feuille.

XVI. Notre Ministre Secrétaire d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au des Lois.

Donné à Paris, au Château des Tuileries, le 6 Février de Grâce 1818, et de notre Règne le 23ème.

Par le Roi :

Le Ministre Secrétaire d'Etat des Finances,

LE COMTE CO

**ORDONNANCE du Roi de France, concernant les T
Correspondances de la France avec les Etats Autr
Paris, le 3 Juin, 1818.**

LOUIS, par la grâce de Dieu, Roi de France et de Navarre
Vu la Loi du 27 Frimaire, An 8 [18 Décembre, 1799],
14 Floreal, An 10 [4 Mai, 1802], et l'Article XX du Titre V
du 24 Avril, 1806, en ce qui concerne la taxe et les progres
taxe et de poids des Lettres de France ;

Vu aussi la Convention conclue et signée, le 10 Août 18
l'Office Général des Postes Françaises et l'Office Général de
Autrichiennes ;

Nous avons ordonné et ordonnons ce qui suit :

ART. I. A dater du 1^{er} Juillet, 1818, le Public de Fran
tinuera d'affranchir, selon les taxes du Tarif Français, les I
Paquets, les Gazettes et Journaux, ainsi que les catalogues,
spectus, les imprimés et les livres en feuilles ou brochés, pour
Autrichiens, tant du côté de l'Allemagne que du côté de l'Ita
la Turquie et les Echelles du Levant, lorsqu'il en indiquera
tion par Vienne en Autriche, et pour les Iles Ioniennes, de
points de départ jusqu'aux points de sortie du Royaume qui
ci-après désignés, selon les endroits de destination ; savoir :

1. De toute la France pour la Bohême, pour Cracovie ou
en Pologne, pour la Gallicie, la Moravie et la Silésie Autr
jusqu' à Forbach ;

2. Pareillement de toute la France pour l'Autriche, la C
la Croatie, l'Esclavonie, la frontière militaire des Etats Aut
la Haute et Basse Hongrie, la Pologne Autrichienne, le Pays
burg, la Stirie, la Transilvanie, le Tyrol Septentrional et le V
ainsi que pour la Turquie et les Echelles du Levant, jusq
ningue, et s'il y a lieu dans la suite, jusqu'à Strasbourg :

3. Des Départemens Français de l'Aisne, des Ardennes, de l'Aube, Calvados, de la Charente, de la Charente-Inférieure, du Cher, de Côte d'Or, des Côtes du Nord, de la Creuse, du Doubs, de l'Eure, Eure-et-Loir, du Finistère, d'Ille-et-Vilaine, de l'Indre, d'Indre-et-Loire, de Loir-et-Cher, de la Loire-Inférieure, du Loiret, de Maine-et-Loire, de la Manche, de la Marne, de la Haute-Marne, de la Mayenne, de la Meurthe, de la Meuse, du Morbihan, de la Moselle, de la Nièvre, du Nord, de l'Oise, de l'Orne, du Pas-de-Calais, du Bas-Rhin, du Haut-Rhin, de la Haute-Saône, de la Sarthe, de la Seine, de la Seine-Inférieure, de Seine-et-Marne, de Seine-et-Oise, des Deux-Sèvres, de Somme, de la Vendée, de la Vienne, de la Haute-Vienne, des Vosges, de l'Yonne, tant pour les autres Etats Autrichiens, de Dalmatie, de l'Égypte, de Lombardie, du Tyrol Méridional et de Venise, que pour les Ioniennes de Céphalonie, de Cérigo, de Corfou, d'Ithaque, de Zante, de Sainte-Maure et de Zante, pareillement jusqu'à Huningue.

4. Enfin les Correspondances des Départemens Méridionaux, de l'Allier, des Basses-Alpes, des Hautes-Alpes, de l'Ardèche, de l'Ariège, de l'Aude, de l'Aveyron, du Cantal, de la Corrèze, de la Dordogne, de la Drôme, du Gard, de la Haute-Garonne, de la Gironde, de l'Hérault, de l'Isère, du Jura, des Landes, de la Haute-Loire, du Lot, de Lot-et-Garonne, de la Lozère, du Puy-de-Dôme, des Basses-Pyrénées, des Hautes-Pyrénées, des Pyrénées-Orientales, des Bouches-du-Rhône, du Rhône, de Saône-et-Loire, de Tarn, de Tarn-et-Garonne, du Var et de Vaucluse, pour les Etats Autrichiens et les Iles Ioniennes dont il est question au 3e Paragraphe dessus du présent Article, devront être affranchies jusqu'à Ferney.

II. Les Lettres et Paquets de tout le Royaume pour Bersello, Bologno, Bonadana, Borgo-San-Donino, Borgo-Taro, Carpi, Garrara, Gênes, Concordia, Corregio, Fiorazola, Fivizzano, Guastalla, Massa, Mantova, Modène, Parma ou Parme, Piacenza ou Plaisance, Pontremoli et Rubiera, Villes et Endroits des Duchés tant de Parme et de Modène que de Modène et de Massa, devront être désormais dirigés, par les Départemens Français de leur origine, soit par Huningue ou par Ferney, vers Milan : mais ils ne seront plus assujettis à l'affranchissement forcé qu'autant que les expéditeurs voudront en payer le port d'avance pour les faire passer par les Etats Sardes à leur destination ; autrement le Public de France est libre d'affranchir ou de ne point affranchir ses Lettres et Paquets pour les Villes et Endroits des Duchés susnommés.

Cependant l'affranchissement continuera d'être obligatoire pour les destinations, selon les Taxes Françaises, jusqu'à l'extrême Frontière du Royaume, en ce qui concernera les Gazettes et Journaux, ainsi que les catalogues, les prospectus, les imprimés et les livres en feuilles ou en cahiers.

III. La taxe des échantillons de marchandises affranchis d'avance

pour tous les Etats Autrichiens, pour les Etats Etrangers du Continent et pour les Pays d'Outre-mer désignés dans l'Article I, ainsi que pour les Duchés Italiens dont il est question dans l'Article II de la présente Ordonnance, pourvu que ces échantillons soient présentés en bandes ou d'une manière indicative de leur contenu, ne seront payés qu'au tiers de la taxe fixée par le Tarif des Postes du Royaume pour les Lettres et Paquets ; cependant le prix n'en sera jamais au-dessus de celui d'une Lettre simple.

IV. Les Lettres et Paquets expédiés des Etats Autrichiens soit du côté de l'Allemagne, soit du côté de l'Italie, et timbrés ou L. I., qui entreront en France par les Bureaux de Forbach, Nîmègue et de Ferney, ou même de Strasbourg, s'il y a lieu, suite, à faire de ce dernier un point d'échange avec quelques-unes des Postes d'Autriche, seront taxés pour ces Villes à raison de 7 centimes par Lettre au-dessous d'un poids de 6 grammes ; et les Lettres et Paquets pesant 6 grammes ou au-dessus seront taxés proportionnellement à leur poids, selon les progressions du Tarif des Lettres Françaises.

V. Les Lettres et Paquets venant de tous autres Etats du continent ou de Pays d'Outre-mer, en transit par les Etats Autrichiens, et qui entreront par les Bureaux de France susnommés, seront taxés dans chacun de ces Bureaux, à leur Ville, à raison de 11 *décimes* par Lettre d'un poids au-dessus de 5 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes ou au-dessous, proportionnellement à ce prix, selon les progressions établies par les Postes de France.

VI. Les Lettres et Paquets qui seront réexpédiés des Bureaux des Villes de leur entrée en France susnommées pour toutes autres destinations dans le Royaume, seront taxés du prix de port fixé pour les mêmes Villes, plus du prix de port dû depuis chacune de ces Villes jusqu'aux Bureaux des lieux de leur distribution.

VII. Les échantillons de marchandises venant, soit des Etats Autrichiens mêmes, soit d'autres Etats Etrangers du Continent, soit des Pays d'Outre-mer, en transit par les Etats Autrichiens, pour être envoyés en Paquets soient expédiés sous bandes ou d'une manière indiquant leur contenu, ne seront taxés qu'au tiers des prix fixés pour les Lettres et Paquets portant le même timbre distinctif; cependant le port de chaque échantillon ne devra jamais être inférieur à celui d'une Lettre simple ou pesant moins que 6 grammes.

VIII. Les Gazettes ou Journaux, ainsi que les catalogues, prospectus, les imprimés et les livres en feuilles ou brochés, qui viendront des Etats Autrichiens mêmes, ou de l'Etranger en transit par les Etats, de quelque timbre qu'ils soient frappés, seront taxés pour la France; savoir: les deux premières espèces à raison de 8 centimes, et toutes les autres à raison de 10 centimes, par feuille d'impression.

proportion de l'un ou de l'autre de ces deux prix par demi-feuille et quart de feuille, selon la nature des ouvrages.

IX. Notre Ministre Secrétaire d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné en notre Château des Tuileries, le 3 Juin de l'An de Grâce 1806, et de notre Règne le 23^{ème}.

Par le Roi :

LOUIS.

Le Ministre Secrétaire d'Etat des Finances,

LE COMTE CORVETTO.

DONNANCE du Roi de France, concernant les Taxes de Correspondances de la France avec La Suisse.—Paris, le 3 Juin, 1818.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre ;

Vu les Articles XXI, XXII, XXX et CXXXII du Tarif annexé à la Déclaration du 8 Juillet, 1759, concernant les taxes des Correspondances de et pour la Suisse et Genève ;

Vu pareillement la Loi du 27 Frimaire, An 8, l'Article IV du Titre I^{er} de la Loi du 14 Floréal, An 10, ainsi que les Lois du 24 Avril, 1806, et du 20 Avril, 1810.

Nous avons ordonné et ordonnons ce qui suit :

ART. I. A dater du 1^{er} Juillet, 1818, les Correspondances de la France pour les Pays de Porrentruy et de Neuchâtel et pour tous les Cantons de la Suisse, y compris celui de Genève et le Valais, seront soumise à l'affranchissement.

II. Les Correspondances du Bureau d'Huningue pour Bâle et son Canton, pour ceux d'Appenzel, d'Argovie, de Glaris, des Grisons, de Berne, de Saint-Gall, de Schaffhouse, de Schwitz, du Tessin, de l'Argovie, d'Underwald, de Zug et de Zurich ; les Correspondances des Bureaux de Belfort et de Delle pour le Pays de Porrentruy et pour les Cantons de Berne, de Fribourg et de Soleure ; les Correspondances du Bureau de Pontarlier pour le Pays de Neuchâtel, pour le Canton de Vaud et pour le Valais ; enfin les Correspondances du Bureau de Ferrière pour le Canton de Genève, ainsi que pour celui de Vaud et pour le Valais, seront affranchies d'avance à raison de 2 *décimes* par Lettre simple : les taxes d'affranchissement des Lettres et Paquets pesant 6 grammes et au-dessus seront proportionnelles à ce prix, selon les dispositions réglées par les Tarifs des Postes de France.

Ceux des Bureaux de la Frontière Française susnommés qui reçoivent des Lettres à diriger par des Bureaux autres que ceux des Cantons frontalières de la Suisse avec lesquels ils sont en correspondance directe et réciproque, percevront les ports de ces Lettres, selon les taxes des mêmes Tarifs de France, depuis le lieu de départ jusqu'au point de sortie du Royaume vers le point de la frontière de la Suisse, d'où les Lettres devront être directement expédiées à leur destination ultérieure.

Enfin les taxes à percevoir d'avance, dans quelque Bureau de Poste que ce soit de l'intérieur de la France, sur les Lettres à destination des Pays et Cantons précités de la Suisse, seront les taxes depuis chaque Bureau jusqu'au Bureau soit d'Huningue, soit de Delle, soit de Pontarlier, soit de Ferney, selon la direction que ces Lettres devront recevoir.

III. La taxe des Lettres de tous les Pays et Cantons de la Suisse désignés dans l'Article II ci-dessus de la présente Ordonnance, les Bureaux d'Huningue, de Delle ou de Belfort, de Pontarlier ou de Ferney, sera de 2 *décimes* par Lettre simple; et par Lettre ou Paquet d'un poids de 6 grammes et au-dessus, il sera perçu des prix proportionnels à cette première taxe, selon les progressions des Tarifs Français.

Les Lettres et Paquets provenant des mêmes Pays et Cantons Suisses et ré-expédiés des divers Bureaux Frontières de la France, nommés dans l'intérieur du Royaume, seront taxés du prix fixe de celui de ces Bureaux par lequel ils seront entrés, plus du port de celui-ci jusqu'à celui de leur destination.

IV. Les ports de Lettres et Paquets expédiés des divers Pays et Cantons de la Suisse, ainsi que du Valais, par la France, pour l'Espagne, le Portugal, Gibraltar, et pour les Colonies tant Espagnoles et Portugaises que Françaises et autres, devront être acquittés d'office aux Bureaux Frontières de France par les Offices Suisses, selon les prix réglés par les Tarifs des Postes Françaises, jusqu'au dernier Bureau de leur sortie du Royaume.

Les Lettres et Paquets d'Espagne, du Portugal, de Gibraltar, des Colonies soit Espagnoles et Portugaises, soit Françaises, du Royaume des Pays-Bas et de celui de la Grande-Bretagne, devront pareillement être payés par les Offices des Cantons Frontières de la Suisse, selon les taxes des Tarifs Français, depuis les points de leur entrée en France jusqu'au Bureau soit d'Huningue, soit de Belfort ou de Delle, de Pontarlier ou de Ferney, selon la direction que ces Correspondances auront dû recevoir.

V. Notre Ministre Secrétaire d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné à Paris, au Château des Tuileries, le 3 Juin de l'Année de la Grâce 1818, et de notre Règne le 28ème.

Par le Roi.

Le Ministre Secrétaire d'Etat des Finances,

LE COMTE CORVETTES

ORDONNANCE du Roi de France, portant Règlement pour le Service des Postes aux Lettres entre la France et le Royaume des Pays-Bas.—Le 29 Juillet, 1818.

Au Château de Saint-Cloud, le 29 Juillet, 1818.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre.
Vu la Loi du 27 Frimaire, An VIII [18 Décembre, 1799], celle du Floréal, An X [4 Mai, 1802], et l'Article XX du Titre V de celle du Avril, 1806, en ce qui concerne la taxe et les progressions de taxe de poids des Lettres de France.

Vu aussi les Conventions conclues et signées à Paris, le 12 Septembre, 1817, entre l'Office Général des Postes de France et l'Office Général des Postes des Pays-Bas.

Sur le Rapport de notre Ministre Secrétaire d'Etat des Finances.

Nous avons ordonné et ordonnons ce qui suit :

ART. I. A dater du 1^{er} jour d'Octobre, 1818, le Public de France sera désormais libre d'affranchir ou de ne point affranchir jusqu'à destination ses Lettres et Paquets pour le Royaume des Pays-Bas.

II. L'affranchissement sera cependant obligatoire pour les Lettres et Paquets chargés ou recommandés.

Il sera pareillement indispensable d'affranchir les Gazettes et Journaux, ainsi que les catalogues, les prospectus, les imprimés et les livres, feuilles ou brochés.

Le tout jusqu'à destination dans le Royaume des Pays-Bas.

III. L'affranchissement libre ou volontaire des Lettres et Paquets dans tous les Départemens du Royaume de France pour toute l'étendue du Royaume des Pays-Bas, sera perçu d'après les prix réglés par les lois concernant les taxes des Correspondances Françaises, pour toute Lettre d'un poids au dessous de 6 grammes, jusqu'à l'extrême Frontière de France, et depuis cette extrême Frontière jusqu'à destination dans le Royaume des Pays-Bas, d'après les taxes du Tarif des Postes de ce Royaume converties en décimes, et d'après les progressions de ce Tarif, qui sont les mêmes que celles du Tarif des Postes de France ; proportionnellement au poids des Lettres et Paquets qui peseront 6 grammes et au-dessus, à raison de leur poids, selon les progressions de l'un et de l'autre Tarif.

IV. L'affranchissement libre ou volontaire des échantillons de marchandises, pourvu que les Paquets soient présentés sous bandes, ou d'une manière indicative de leur contenu, ne sera perçu qu'au tiers de la taxe des 2 Tarifs ; le prix n'en sera cependant jamais au-dessous du prix réglé pour une Lettre simple par les Tarifs réunis des 2 Offices.

V. L'affranchissement obligatoire des Lettres et Paquets chargés ou recommandés, sera perçu d'avance au double des taxes fixées par les Tarifs de France et des Pays-Bas, pour les affranchissemens ordinaires

dont il est question dans l'Article III ci-dessus, jusqu'à destination les Pays-Bas.

VI. L'affranchissement aussi obligatoire des Gazettes et Journaux, ainsi que des catalogues, des prospectus, des imprimés et des livres, feuilles ou brochés, sera pareillement perçu d'avance, savoir : pour les Gazettes et Journaux, à raison de 8 centimes ; pour les autres ouvrages de librairie, à raison de 10 centimes ; le tout par feuille de pression : et par chaque demi-feuille ou quart de feuille, à proportion de l'un ou de l'autre de ces 2 prix, selon la nature des ouvrages.

VII. Les Lettres et Paquets, les échantillons de marchandises, Gazettes et Journaux, ainsi que tous autres ouvrages de librairie, franchis, les uns volontairement, et les autres obligatoirement, toute l'étendue du Royaume des Pays-Bas, pour toute l'étendue du Royaume de France, jusqu'à destination, seront distribués à destination, sans qu'il puisse être exigé aucun prix de port.

VIII. Les Correspondances non affranchies des Villes et Endroits du premier rayon de l'Office des Pays-Bas, et timbrées L. 1. R., pour les Bureaux d'Echange Français, soit de *Dunkerque*, soit de *Lille*, soit de *Valenciennes*, soit de *Givet*, soit de *Sedan* ou de *Donville*, seront taxées à raison de 4 décimes par Lettre simple, ou poids au-dessous de 6 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus seront taxés proportionnellement à ce prix, selon les progressions du Tarif des Postes de France.

IX. Les Correspondances des Villes et Endroits compris du 2ème rayon de l'Office des Pays-Bas, sous le timbre L. 2. R., ainsi que celles d'Angleterre qui, timbrées A. T. P. B., sont par mégarde dirigées par les Pays-Bas pour les 6 Bureaux Français de Poste Française susnommés, devront être taxées à raison de 4 décimes par Lettre d'un poids au-dessous de 6 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus, proportionnellement à ce prix, selon leur poids, d'après les progressions du Tarif Français.

X. Les Correspondances des Villes et Endroits du 3ème rayon des Pays-Bas, et timbrées L. P. B. 3. R., pour les 6 Bureaux d'Echange Français de la Frontière Française désignés dans l'Article VIII de la présente Convention, seront taxées pour ces Villes de leur entrée dans le Royaume à raison de 7 décimes par Lettre d'un poids au-dessous de 6 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus seront taxés proportionnellement à ce prix, selon les progressions du Tarif des Postes Françaises.

XI. Les Correspondances des Villes et Endroits du 4ème rayon des Pays-Bas, timbrées L. P. B. 4. R., pour les 6 Bureaux d'Echange Français susmentionnés, seront taxées à raison de 8 décimes par Lettre d'un poids au-dessous de 6 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus, proportionnellement à ce prix, selon les progressions du Tarif des Postes de France.

XII. Les Correspondances des Villes et Endroits circonscrits dans le même rayon de l'Office des Pays-Bas, sous le timbre L. P. B. 5 R., et les Bureaux d'Echange prénommés de la Frontière Française, y compris les Lettres et Paquets d'un poids au-dessous de 6 grammes ; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus seront taxés proportionnellement à ce prix, d'après les proportions du Tarif Français.

XIII. Les Lettres et Paquets des 5 rayons de l'Office des Pays-Bas, ainsi que les Lettres et Paquets d'Angleterre, sous le timbre A. P. B., qui seront réexpédiés des 6 Bureaux d'Echange Français nommés dans l'Article VIII de la présente Ordonnance pour toutes les destinations en France, seront taxés, d'après leur timbre, du prix fixé pour celui de ces 6 Bureaux par lequel ils seront entrés ; et du port dû, selon le Tarif Français, depuis l'un ou l'autre de ces rayons jusqu'à ceux de leur distribution.

XIV. Les échantillons de marchandises venant des Pays-Bas, ou d'Etranger par ce Royaume, pourvu que les Paquets en soient mis sous bandes, ou d'une manière indicative de leur contenu, ne seront taxés qu'au tiers des prix fixés pour les Lettres et Paquets de celui des rayons des Pays-Bas d'où ils auront été expédiés, ou par lequel ils seront entrés pour passer en France ; cependant le prix de port ne sera jamais moindre que celui d'une Lettre simple.

XV. Les Gazettes et Journaux, ainsi que les catalogues, les prospectus, les imprimés et les livres en feuilles ou brochés, qui parviendront d'Etranger, non affranchis et sous bandes, par la voie des Postes de l'Office des Pays-Bas, en France, seront taxés pour toute l'étendue du Royaume, savoir : les 2 premières espèces de ces ouvrages, à raison de 2 centimes, et toutes les autres, à raison de 10 centimes, par feuille d'impression, et à proportion de l'un ou de l'autre de ces 2 prix par demi-feuille du par quart de feuille.

XVI. Notre Ministre Secrétaire d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné au Château de Saint-Cloud, le 29 Juillet de l'An de Grâce 1799, et de Notre Règne le 24ème.

Par le Roi :

LOUIS.

Le Ministre Secrétaire d'Etat des Finances,

COMTE CORVETTO.

ORDONNANCE du Roi de France, concernant le Service des Postes entre la France et divers Etats d'Allemagne.—
Paris, le 18 Novembre, 1818.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre ;
Vu la Loi du 27 Frimaire, an VIII [18 Décembre, 1799], celle du

14 Floréal, an X [4 Mai, 1802], et l'Article XX du Titre V de ce
24 Avril, 1806, en ce qui concerne la taxe et les progressions de
et de poids des Lettres de France ;

Vu aussi les Conventions conclues et signées à Paris, le 20
1818, entre l'Office Général des Postes Françaises et l'Office G
des Postes Féodales-Héréditaires de divers Etats d'Allemagne ;

Sur le Rapport de notre Ministre Secrétaire d'Etat des Financ

Nous avons ordonné et ordonnons ce qui suit :

ART. I. A dater du 1er. jour de Janvier, 1819, le Public de F
sera libre d'affranchir ou de ne point affranchir ses Lettres et Pa
pour les divers Etats d'Allemagne desservis par l'Office Féodal-
ditaire des Postes de Son Altesse Sérénissime le Prince de la To
Taxis, ainsi que pour les Royaumes de Saxe et de Hanovre, et
le Duché de Brunswick, jusqu'à destination ;

Pour le Duché d'Oldenbourg jusqu'à Bremen.

Pour la Principauté de Lubeck, pour les Grands Duchés de L
embourg Strelitz et Schwerin, pour le Duché de Holstein, po
Royaume de Danemarok, pour l'Islande, et pour les Royaum
Suède et de Norwège, jusqu'à Hambourg.

II. Cependant l'affranchissement sera obligatoire pour les L
et Paquets chargés ou recommandés.

Il sera pareillement indispensable d'affranchir les Gazettes et
naux, ainsi que les catalogues, les prospectus, les imprimés et les
en feuilles ou brochés :

Le tout jusqu'à destination, si les envois sont destinés pou
Etats d'Allemandesservis par les Postes Féodales-Héréditaires
qu'à Bremen, s'ils sont adressés dans le Duché d'Oldenbourg ; e
qu'à Hambourg, s'ils doivent passer dans tous les autres Etats cor
dans le 3ème alinéa de l'Article I, ci-dessus.

III. L'affranchissement volontaire des Lettres et Paquets de
les Départemens du Royaume pour tous les Etats d'Allemagne
servis par les Postes Féodales-Héréditaires, et pour tous autres
qui se trouvent désignés dans l'Article I, sera perçu selon les prix r
par les Lois concernant le taxes des Correspondances de France,
toute Lettre d'un poids au dessous de 6 grammes, jusqu'au Point
tière de sortie du Royaume ; et depuis ce Point Frontière jusqu
destination, si les envois sont distribuables dans les Etats d'Alle
desservis par les Postes Féodales-Héréditaires, et dans les Royau
de Saxe et de Hanovre, ainsi que dans le Duché de Brunswic
jusqu'à Bremen ou jusqu'à Hambourg, suivant qu'ils seront adr
dans tous autres Pays ou Etats qui transmettent et reçoivent
Correspondances par l'intermédiaire de ces 2 Bureaux, d'après
Taxes actuelles du Tarif Féodal converties en décimes, et d'après
progressions de ce Tarif qui croissent de $7\frac{1}{2}$ grammes en $7\frac{1}{2}$ g
mes inclusivement ;

Et proportionnellement au poids des Lettres et Paquets, au-dessus premier poids déterminé par les Tarifs respectifs des 2 Offices.

IV. L'affranchissement volontaire des échantillons de marchandises, pourvu que les Paquets soient présentés sous bandes ou d'une manière indicative de leur contenu, ne sera perçu qu'au tiers de la taxe des 2 Tarifs; cependant le prix n'en devra jamais être au-dessus de la taxe fixée par chacun d'eux pour une Lettre simple.

V. L'affranchissement obligatoire des Lettres et Paquets chargés recommandés sera perçu d'avance au double des taxes fixées par le Tarif des Postes Françaises et par le Tarif des Postes Féodales-Héréditaires, pour les affranchissemens ordinaires dont il est fait mention dans l'Article III ci-dessus, soit jusqu'à destination, si les chargemens sont destinés pour les Etats d'Allemagne desservis par les Postes de l'Office Féodal, et pour les Royaumes de Saxe et de Hanovre, ainsi que pour le Duché de Brunswick; soit jusqu'à Bremen, s'ils sont adressés au Duché d'Oldenbourg; soit enfin jusqu'à Hambourg, s'ils doivent passer dans quelqu'un des autres Etats désignés dans le 3ème Article de l'Article I de la présente Ordonnance.

VI. L'affranchissement, aussi obligatoire, des Gazettes et Journaux, ainsi que des catalogues, des prospectus, des imprimés et des livres en feuilles ou brochés, sera pareillement perçu d'avance; savoir:

Pour les Gazettes et Journaux, à raison de 8 centimes;

Pour les autres ouvrages de librairie, à raison de 10 centimes;

Le tout par feuille d'impression:

Et par chaque demi-feuille ou par quart de feuille, à proportion de l'un ou de l'autre de ces 2 prix, selon la nature des ouvrages, quel que soit l'endroit de leur destination.

VII. Les Lettres et Paquets, les échantillons de marchandises, les Gazettes ou Journaux, et tous autres ouvrages de librairie en feuilles ou brochés, et affranchis, les uns volontairement, et les autres obligatoirement, dans toute l'étendue des divers Etats d'Allemagne desservis par les Postes Féodales-Héréditaires, dans les Royaumes de Saxe et de Hanovre, ainsi que dans le Duché de Brunswick, pour toute l'étendue du Royaume de France jusqu'à destination, seront distribués à leurs destinataires, sans qu'il puisse être exigé aucun autre prix de port.

VIII. Les Correspondances non affranchies des Villes et Endroits compris dans le premier rayon des Etats d'Allemagne desservis par les Postes Féodales-Héréditaires sous le timbre T. T. R. 1, et qui entrent en France par les Bureaux Frontières, soit de Forbach, soit de Strasbourg ou de Wissembourg, pour ces Bureaux mêmes, seront taxées à raison de 4 décimes par Lettre simple ou d'un poids au-dessus de 6 grammes; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus seront taxés proportionnellement à ce prix, selon les dispositions du Tarif des Postes de France.

IX. Les Correspondances des Villes et Endroits compris dans le

2ème rayon des Postes Féodales-Héréditaires, sous le timbre T. T. R. 3, et qui seront entrées par l'un ou par l'autre des Bureaux Frontières de France susnommés, pour ces mêmes Bureaux, devront être taxées à raison de 6 décimes par Lettre simple ou d'un poids au-dessous de 6 grammes; et les Lettres et Paquets d'un poids de 6 grammes et au-dessus, proportionnellement à ce prix, selon leur poids, d'après les progressions du Tarif Français.

X. Les Correspondances des Villes et Endroits du 3ème rayon des Postes Féodales-Héréditaires, sous le timbre T. T. R. 3, et celles qui entreront par tout le Royaume de Saxe, timbrées *Saxe T. T.*, qui seront entrées par les Bureaux Frontières de France ci-dessus désignés, pour ces Bureaux mêmes, seront taxées à raison de 8 décimes par Lettre simple ou d'un poids au-dessous de 6 grammes; et les Lettres ou Paquets d'un poids de 6 grammes et au-dessus seront taxés, proportionnellement à ce prix, d'après leur poids, selon la progression du Tarif des Postes Françaises.

XI. Les Correspondances des Villes et Endroits du 4ème rayon des Postes Féodales-Héréditaires; sous le timbre T. T. R. 4, ainsi que les Correspondances du Royaume de Hanovre, du Duché de Brunswick, du Duché d'Oldenbourg, de la Principauté de Lubeck, des Grand Duchés de Mecklembourg Strelitz et Schwerin, du Duché de Holstein, du Royaume de Danemarck, de l'Islande, des Royaumes de Suède et de Norwége, et de tous autres Etats Etrangers, timbrées des timbres T. T. précédés ou surmontés du nom de l'Etat ou Pays d'origine, qui entreront en France par les Bureaux Frontières, soit de Givet, soit de Forbach, soit de Strasbourg ou de Weissembourg, par ces Bureaux mêmes, seront taxées à raison de 9 décimes par Lettre simple ou d'un poids au-dessous de 6 grammes; et les Lettres et Paquets d'un poids de 6 grammes et au-dessus seront taxés proportionnellement à ce prix, selon les progressions du Tarif des Postes de France.

XII. Les Lettres et Paquets des 4 rayons de l'Office Féodal-Héréditaire d'Allemagne, ainsi que les Lettres et Paquets, tant des Royaumes de Saxe, de Hanovre et du Duché de Brunswick, que du Duché d'Oldenbourg, de la Principauté de Lubeck, des Grand Duchés de Mecklembourg Strelitz et Schwerin, du Duché de Holstein, du Royaume de Danemarck, de l'Islande, et des Royaumes de Suède et de Norwége, en transit par l'intermédiaire de cet Office, et qui sont réexpédiés des Bureaux de Givet, ou de Forbach, ou de Strasbourg ou de Weissembourg, s'il y a lieu, pour toutes autres destinations en France, seront taxés, d'après leur timbre, du prix fixé ci-dessus, plus celui de ces Bureaux par lequel les Lettres et Paquets seront expédiés, plus, du prix du port dû, selon le Tarif Français, depuis l'un ou l'autre de ces Bureaux, jusqu'à celui de leur distribution dans le Royaume.

XIII. Les échantillons de marchandises venant soit des Etats d'Allemagne desservis par les Postes de l'Office Féodal-Héréditaire, de tous autres Etats Etrangers susnommés, par l'intermédiaire de l'Office, pourvu que les Paquets soient mis sous bandes ou d'une manière indicative de leur contenu, ne seront taxés, d'après leur timbre, qu'au tiers des prix cidessus réglés pour les Lettres et Paquets de l'un des Rayons Féodaux ou de celui des Etats Etrangers d'où ils n'ont été expédiés; cependant le prix de port n'en sera jamais moindre que celui d'une Lettre simple.

XIV. Les Gazettes et Journaux, ainsi que les catalogues et prospectus, les imprimés et les livres en feuilles ou brochés, qui viennent de l'Etranger, non affranchis et sous bandes, par la voie de l'Office des Postes Féodales-Héréditaires d'Allemagne, seront taxés sur toute l'étendue du Royaume, savoir: les 2 premières espèces de ouvrages, à raison de 8 centimes, et toutes les autres espèces, à raison de 6 centimes, par feuille d'impression.

Et à proportion de l'un ou de l'autre de ces 2 prix, par demi-feuille ou par quart de feuille.

XV. Notre Ministre Secrétaire d'Etat des Finances est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

Donné au Château des Tuileries, le 18 Novembre, de l'an de Grâce 1818, et de notre Règne le 24ème.

LOUIS.

Par le Roi:

Le Ministre Secrétaire d'Etat des Finances,

LE COMTE CORVETTO.

I des Pays Bas, fixant les Dépenses et les Recettes du Royaume, pour 1819.—Bruxelles, le 24 Décembre, 1818.

Nous Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc., etc.,

A tous ceux qui les présentes verront, salut! savoir faisons:

Ayant pris en considération la nécessité de régler les Dépenses et les Recettes du Royaume pour l'Année 1819;

A ces causes, Notre Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux;

Avons statué, comme nous statuons par les présentes.

CHAP. I.—*Fixation du Budget Général des Dépenses pour 1819.*

ART. I. Le Budget des Dépenses du Royaume pour l'Année 1819, est arrêté comme suit:

[17—18.]

2 T

	Dépenses et extraor Florins.
CHAP. I. Liste Civile	2,600,00
II. La Secrétairerie-d'Etat, les Grands Corps de l'Etat et Fonctionnaires qui ne font partie d'aucun Dé- partement d'Administration	1,315,61
III. Département des Affaires Etrau- gères.....	797,50
IV. Département de la Justice.....	3,500,00
V. Département de l'Intérieur.....	2,276,00
VI. Département du Culte réformé et autres, excepté le Culte Catholique	1,300,00
VII. Département du Culte Catholique.	1,800,00
VIII. Département pour l'Intruction Pu- blique, l'Industrie Nationale et les Colonies.....	1,990,00
IX. Département des Finances.....	27,581,00
X. Département de la Marine.....	5,500,00
XI. Département de la Guerre.....	19,553,09
XII. Département du Waterstaat et des Travaux.....	4,490,00
Total, <i>Florins</i> ...	72,703,14

II. Afin de pourvoir aux besoins imprévus qui pourraient se présenter dans le cours de l'Année 1819, il est mis à la disposition du Roi, un maximum de 500,000 florins, à couvrir en premier lieu le résidu, que les dépenses effectives pourront laisser sur les dépenses consenties dans l'Article I. En cas d'insuffisance de ce nombre, la partie restante sera portée au nombre des Dépenses Extraordinaires d'une Année subséquente.

CHAP. II.—*Fixation des Recettes du Royaume pour l'Année 1819.*

III. Pour subvenir aux Dépenses Publiques de l'Année 1819, ainsi qu'elles sont arrêtées ci-dessus, seront employées les Recettes Ordinaires et Extraordinaires du Royaume, comme suit :

	Produit présent Florins
Contributions directes	28,000,00
Droits d'enregistrement, de timbre, d'hypothèque et de succession.....	11,200,00
Droits d'entrée et de sortie et accises, y compris les péages sur les rivières	23,000,00

	<i>Florins.</i>	<i>C.</i>
it de garantie des matières d'or et d'argent	250,000	00
Revenus des domaines	2,600,000	00
2 loteries.....	1,200,000	00
Postes... ..	900,000	00
tionnements	250,000	00
Produit des ventes de cloux de girofle et essences...	620,000	00
Domaines vendus sous le Gouvernement Français	50,000	00
Ventes d'effets superflus, provenant des Départemens de la Guerre et de la Marine, et autres restitutions et rentrées...	350,000	00
Remboursement de la somme avancée sur le crédit de 45,000,000, afin d'assurer l'exécution de l'Article II, de la Loi du 24 Décembre, 1817, contenant des dispositions générales sur le commerce libre du Thé	750,000	00
Reste dû laissé au profit du Trésor par les Exercices antérieurs de 1813 à 1816	3,616,691	19½
Total, Florins...	72,786,691	19½

IV. Les Contributions, Droits et Revenus indiqués dans l'Article précédent, continueront d'être levés et perçus sur le pied fixé pour l'année, 1818, jusqu'à ce que d'autres dispositions législatives aient été prises à cet égard.

Mandons et ordonnons, que la présente Loi sera insérée au Journal Officiel, et que nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à Bruxelles, le 24 Décembre, de l'an 1818, le 6ème de notre règne.

Par le Roi.

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

MANIFESTE du Sénat de Savoie, portant Publication de la Convention faite entre Sa Majesté le Roi de Sardaigne et Sa Sainteté le Pape Pie VII, à Rome, le 28 Juillet, 1818, pour l'abolition du Droit d'Aubaine et la réciprocité des Successions entre leurs Sujets respectifs.—Chambéry, le 10 Novembre, 1818.

LE SENAT DE SAVOIE.

Le Roi nous ayant fait parvenir, par sa Lettre à Cachet du 3 du courant, une Copie authentique de la Convention faite entre Sa Ma-

jesté et Sa Sainteté le Pape Pie VII, portant l'abolition d'Aubaine et la réciprocité de Successions entre leurs Sujets respectifs, laquelle Convention a été signée à Rome le 28 Juillet dernier, par les Ministres à ce autorisés, ensuite approuvée et ratifiée tant par Sa Majesté que par Sa Sainteté, et ces Ratifications échangées, Sa Majesté nous a chargé d'en faire publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi, avons ordonné que ladite Convention sera publiée et affichée aux lieux coutumés de ce ressort, son contenu sera gardé et observé, et que la Copie imprimée par l'Imprimeur du Gouvernement de Savoie, foi soit ajoutée comme à l'Original.

Fait à Chambéry au Sénat, le 9 Novembre, 1818.

Collationné,

CONVENTION.

SA Sainteté le Pape Pie VII et Sa Majesté Victor Emmanuel de Sardaigne, déjà unis par les liens les plus intimes d'une affection et d'une sincère vénération dont ils sont réciproquement animés, voulant donner une plus grande preuve de la parfaite liaison qui règne entre eux, persuadés qu'en levant tout obstacle à la liberté réciproque de succéder, d'acquérir et de disposer, il en résulterait un avantage mutuel aux Sujets respectifs, leurs Plénipotentiaires sont à ces fins convenus et conviennent de ce qui suit :

ART. I. Tout Droit d'Aubaine, de Détraction, et tout autre de cette nature, est déclaré non existant et aboli dans les Domaines respectifs de Sa Sainteté et dans ceux de Sa Majesté le Roi de Sardaigne.

II. Les Sujets d'un Etat jouiront dans l'autre de la même liberté dont jouissent les Sujets propres et naturels, d'acquérir et de posséder toute sorte de biens et de droits, tant par actes entre-vifs que de dernière volonté et à cause de mort, sans nécessité ni de Lettres de Naturalité, ou d'autres permission ou formalités, à l'exception de celles conquises, qui ne seraient pas nécessaires pour les vrais Sujets naturels.

III. La présente Convention sera en vigueur dès sa promulgation dans les Etats respectifs. Elle sera ratifiée dans le terme de six mois.

Fait à Rome, le 28 Juillet, 1818.

HERCULE CARDINAL COMTE DE S. ANGELO
LE COMTE JOS. BARBERO

Certifié conforme :

BATTALIA, Secrétaire d'Etat. Arc.

MANIFESTE du Sénat de Savoie, portant Publication de la Convention faite entre Sa Majesté le Roi de Sardaigne, et Son Altesse Royale la Duchesse de Massa et Carrare, à Sarzane le 30 Janvier, 1818, pour l'abolition du Droit d'Aubaine, la réciprocité des Successions entre leurs Sujets respectifs, et autres objets d'une convenance réciproque.— Chambéry, le 4 Août, 1818.

LE SENAT DE SAVOIE.

LE Roi nous ayant fait parvenir, par sa Lettre à Cachet du 21 let dernier, une Copie authentique de la Convention faite entre Sa Majesté et la Duchesse de Massa et Carrare, portant l'abolition du Droit d'Aubaine, la réciprocité des Successions entre leurs Sujets respectifs, et autres objets d'une convenance réciproque, laquelle Convention a été signée à Sarzane, le 30 Janvier proche passé, par les Ministres à ce autorisés, ensuite approuvée et ratifiée tant par Sa Majesté, que par ladite Duchesse, et ces Ratifications échangées. le 17 Avril suivant, Sa Majesté nous a chargé d'en faire publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi, avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux coutumés de ce ressort, son contenu sera gardé et observé, que tant de la Convention que le présent seront portés aux Registres de céans, où la Copie imprimée par l'Imprimeur du Gouvernement Royal en Savoie, foi soit ajoutée comme à l'Original.

Fait à Chambéry, au Sénat, le 4 Août, 1818.

Collationné. GABET.

CONVENTION.

SA Majesté le Roi de Sardaigne et Son Altesse Royale la Duchesse de Massa et Carrare, voulant que leurs Sujets ressentent l'avantage des liens du sang qui heureusement existent entre les 2 Familles Souveraines, et désirant voir consolidés et augmentés de plus en plus les rapports de parenté, d'amitié et de commerce qui subsistent déjà entre les habitans des 2 Etats, ont déterminé d'en venir à une Convention, au moyen de laquelle, en abolissant tout Droit d'Aubaine entre les 2 Etats, on parvienne à assurer, par des dispositions analogues, la réciprocité d'un plein et libre exercice de tout contrat, de la possession et de la jouissance des biens et droits appartenans aux Sujets de l'un des 2 Gouvernemens dans les Domaines de l'autre.

A ces fins, les Ministres Plénipotentiaires sont convenus et conviennent de ce qui suit :

ART. I. En vertu du présent Traité, tout Droit d'Aubaine, de Succession, et tout autre contraire à la liberté des Successions et Dis-

positions réciproques sont abolis entre les 2 Etats, et les Héréditaires y jouiront du même traitement qui serait usé en faveur des Sujets propres et naturels, bien entendu qu'ils seront soumis aux mêmes Lois et conditions imposées à ces derniers.

II. Comme les Lois des Etats de Massa et Carrare défendent aux Etrangers d'y acquérir des biens immeubles, même par achat, &c., hormis les Sujets du Duché de Gênes, avec lesquels est en vigueur la coutume d'acquérir et de succéder réciproquement, on déclare qu'il n'étant pas défendu aux Sujets desdits Etats d'acquérir par succession entre-vifs, dans le Domaine de Sa Majesté le Roi de Sardaigne, l'exception locale et limitée portée par les §§ 6 et 7 du dernier des Constitutions Générales qui sont en vigueur en Piémont, relativement auxdites acquisitions entre-vifs, les Sujets de Sa Majesté le Roi de Sardaigne dans les Domaines de Massa et Carrare, être considérés comme jouissant de la réciprocité de traitement dans la règle, mais dans la limite de l'adite Loi prohibitive, et en conséquence être exempts, même de tout Droit d'Aubaine, et de tout autre, qui dans lesdits Etats pèse sur les Etrangers considérés comme tels, et que la présente disposition comme déclarative, doit être étendue aux cas passés et à venir, n'auront été ni jugés ni transigés.

III. Les Contrats, et tout autre acte ou disposition, tant en forme que de dernière volonté, qui seront revêtus des formalités et conditions requises pour leur validité dans le lieu où ils auront été faits, sortiront également leur effet dans l'Etat de l'autre Partie Contractante, quand même dans celui-ci d'autres formalités ou règles ou conditions différentes fussent prescrites par lesdits actes, ou dispositions.

IV. Les Actes publics, ou Jugemens, qui porteront hypothèque sur les biens immeubles, ou réputés immeubles appartenant au Roi de Sardaigne de l'autre Etat, selon que ces biens en seraient susceptibles, seront soumis aux Lois du Pays dans lequel ils seront situés, sauf à se conformer aux règles et pratiques judiciaires qui y seront en vigueur relatives à la conservation et à la réalisation des hypothèques; de manière que l'Acte ou Jugement exécutoire de droit, quoique émané d'un des Etats, ait aussi la même force quant aux actions réelles et possessoires, comme s'il avait été fait dans celui où les biens sont situés.

V. Pour faciliter l'exécution des Jugemens et Ordonnances de Justice, il est convenu qu'elle pourra être accordée, dans les formes et modes que de droit, sur simples réquisitions passées respectivement entre les Tribunaux Suprêmes.

VI. L'obligation de la caution *judicatum solvi* est abolie. Les Sujets de l'un des Etats pourront se présenter et ester en jugement devant les Tribunaux de l'autre, tout de même que s'ils étaient naturels de cet Etat, et pleinement soumis à la juridiction du Tribunal où la Cause sera pendante.

VII. La présente Convention sera ratifiée, le plutôt que possible.

ra, par les Souverains respectifs ; elle sera publiée dans les 2 Etats ; sortira son plein et entier effet à dater du jour qui succédera immédiatement celui où l'échange des Ratifications aura lieu. En foi de quoi les respectifs Plénipotentiaires ont signé et apposé cachet de leurs Armes.

ADAMI, *Régent le Royal Conseil de
Justice de Sarzane.*

JOACHIM GROSSI, *Président du
Tribunal d'Appel de Massa.*

Certifié conforme,

BATTALIA, *Secrétaire d'Etat. Archiviste.*

MANIFESTE du Sénat de Savoie, portant Publication de la Convention faite entre Sa Majesté le Roi de Sardaigne, et Son Altesse Royale la Duchesse de Massa et Carrare, à Sarzane, le 30 Janvier, 1818, pour la rémission réciproque des Déserteurs.—Chambéry, le 4 Août, 1818.

LE SENAT DE SAVOIE.

LE Roi nous ayant fait parvenir, par sa Lettre à Cachet, en date du 21 Juillet dernier, une Copie authentique de la Convention faite entre Sa Majesté et Son Altesse Royale la Duchesse de Massa et Carrare, pour la rémission réciproque des Déserteurs, laquelle Convention a été ratifiée à Sarzane, le 30 Janvier, proche passé, par les Ministres à ce chargés, ensuite approuvée et ratifiée tant par Sa Majesté que par Son Altesse Royale la Duchesse de Massa et Carrare, et les Ratifications échangées le 1^{er} Avril, suivant ; Sa Majesté nous a chargé d'en faire publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi ; avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux coutumés de ce ressort, son contenu sera gardé et observé, que tant la Convention, que le présent, seront portés aux Registres de céans, ainsi qu'à la Copie imprimée par l'Imprimeur du Gouvernement Royal de Savoie, foi soit ajoutée comme à l'Original.

Fait à Chambéry, au Senat, le 4 Août, 1818.

GABET.

CONVENTION.

Sa Majesté le Roi de Sardaigne et Son Altesse Royale la Duchesse de Massa et Carrare, voulant réprimer le crime de Désertion dans les deux Etats respectifs, en adoptant de bon accord les mesures les plus propres pour parvenir à un tel but, et en même temps les plus

analogues aux rapports de bon voisinage et de correspondance existant entre les 2 Etats ; à ces fins leurs Ministres Plénipotentiaires sont convenus et conviennent de ce qui suit :

ART. I. Tous les Militaires, soit d'Infanterie, soit de Cavalerie, Artillerie, Train et de tout autre Corps des Troupes tant de terre que de mer de Sa Majesté le Roi de Sardaigne, comme aussi tout l'Armement des Troupes de Massa et Carrare, qui en désertant du Service de l'une des Puissances à laquelle ils appartiennent, iraient se réfugier dans le territoire de l'autre, devront immédiatement être arrêtés, même sans délai, et être rendus avec les armes, chevaux, bagages et tout autre chose qu'ils auraient emporté avec eux dans la désertion.

II. L'arrêt et la remise auront lieu, quand même le Déserteur ne se serait déjà enrôlé dans les Troupes de l'autre Puissance.

Cependant, si le Déserteur était Sujet du Prince dans l'Etat où il viendrait à se réfugier, la remise de sa personne n'aura pas lieu, et il ne sera remis que les armes, chevaux et effets qu'il aurait emportés.

Dans le cas que l'Individu arrêté fût Déserteur de l'Armée d'un autre Souverain, avec lequel il fût en vigueur une Convention de ce genre, on devra le remettre à l'Etat qu'il aura abandonné le territoire.

III. Toutefois que les Déserteurs qui seront remis n'auront pas été condamnés à la peine de mort pour quelque autre crime, ils pourront être frappés de la peine capitale.

IV. Si le Déserteur, après son évasion, aura commis ou participé à quelque crime dans le Pays où il s'est réfugié, il devra néanmoins être restitué à celui des 2 Gouvernemens auquel il appartient. Si après que le Déserteur aura subi la peine de la désertion dans l'un ou l'autre, on le remettra à l'autre Gouvernement où il se sera rendu, pourvu que le crime soit de nature à donner lieu à la poursuite, aux termes de la Convention de ce jourd'hui, relative à l'arrestation et la remise mutuelle des Malfaiteurs.

V. Toutes les Autorités Civiles and Militaires, et sur-tout les Commandans près des Frontières, seront tenus de veiller attentivement sur les Déserteurs des Troupes respectives, qui viendraient à se présenter dans leur juridiction, et de prendre, avec toute la célérité possible, les accords nécessaires à ces fins, et spécialement pour les Militaires qui ne seraient pas munis de Passeports ou de Feuilles de Route en due forme, ne puissent trouver d'asile dans les Etats de la Partie Contractante, et soient aussitôt arrêtés.

VI. Tout détachement qui sera à la poursuite d'un Déserteur, ne pourra s'arrêter à la Frontière, et ne pourra envoyer dans l'Etat voisin plus de deux ou 2 personnes au plus, munies d'une feuille d'ordre jusqu'à la localité la plus proche, pour en faire la demande aux Autorités Civiles and Militaires.

Sitôt que l'arrêt d'un Déserteur aura eu lieu, on en donnera

Commandant du Poste le plus voisin dans l'autre Etat, en indiquant le Corps auquel il appartient, le jour de son arrêt, et les effets on aura trouvés auprès de lui, afin qu'il puisse envoyer à la Frontière un détachement pour le recevoir, et en donner décharge.

VII. La subsistance des Déserteurs et des chevaux sera fournie conformément des réglemens en vigueur pour les Troupes des Etats respectifs, et le montant d'icelle, ainsi que le prix porté par l'Article suivant, seront payés tous les 6 mois, selon les Etats qui ont présentés à cet effet, et seront compensés entre les 2 Gouvernemens.

VIII. Ceux qui arrêteront ou dénonceront un Déserteur auront un prix de 20 livres neuves de Piémont, soit Italiennes, pour un Soldat d'Infanterie, et de 30 livres pour un Soldat de Cavalerie avec cheval.

IX. Tout Individu d'un Gouvernement, qui, d'une manière quelconque, engagera un Soldat de l'autre, sera puni de 2 mois de détention et encourra une amende de 50 livres susdites au profit du Corps auquel le Déserteur appartiendra, sans préjudice de l'augmentation de peine à laquelle les circonstances aggravantes du délit pourraient donner lieu.

Pareillement ceux qui donneront sciemment asile à un Déserteur, encourront la peine d'un mois de prison, et, en temps de guerre, une autre peine plus grave que les circonstances du délit pourront mériter.

X. Il est défendu aux Sujets respectifs d'acheter des Déserteurs ou des Troupes de l'autre Puissance, les habits, chevaux, armes et toute autre partie de leur équipement. Ces effets, en quelque lieu qu'on les trouve, seront toujours considérés comme volés, et seront restitués au Corps auquel le Déserteur appartiendra.

Les transgresseurs de la disposition portée par cet Article seront, outre, punis d'une amende de 100 livres susdites, au profit dudit Corps lorsqu'il sera démontré ou par la qualité des effets volés ou autrement, qu'ils en connaissaient la provenance.

XI. Toutes les dispositions de la présente Convention sont aussi communes aux Individus compris dans la levée Militaire, qui, pour se soustraire, se réfugieront des Etats d'une Partie Contractante dans ceux de l'autre : cependant, par un juste, réciproque et particulier accord aux 2 Gouvernemens, on convient que lesdits Individus ne seront, après la rémission, soumis à aucune peine afflictive.

XII. La présente Convention sera publiée dans les 2 Etats, aussitôt que l'échange des Ratifications aura eu lieu, et commencera à y être observée 15 jours après ledit échange.

Elle y sera en vigueur pour 5 ans, et sera réputée renouvelée de 5 en 5 ans, jusqu'à déclaration contraire de l'un des 2 Gouvernemens.

En foi de quoi, les respectifs Plénipotentiaires ont signé la présente et y ont apposé le Cachet de leurs Armes.

Fait à Sarzane, le 30 Janvier, 1818.

ADAMI, *Régent le Royal Conseil de Justice de Sardaigne*.

GROSSI, *Président du Tribunal d'Appel de Sardaigne*.

Certifié conforme :

BATTALIA, *Secrétaire d'Etat. Archiviste.*

MANIFESTE du Sénat de Savoie, portant Publication de la Convention faite entre Sa Majesté le Roi de Sardaigne, et Son Altesse Royale la Duchesse de Massa et Carrare, à Sarzane le 30 Janvier, 1818, pour la rémission réciproque des Condamnés et Malfaiteurs de Chambéry, le 4 Août, 1818.

LE SENAT DE SAVOIE.

LE Roi nous ayant fait parvenir, par sa Lettre à Cachet du 17 Juillet dernier, une Copie authentique de la Convention faite entre Sa Majesté et Son Altesse Royale la Duchesse de Massa et Carrare, pour la rémission réciproque des Condamnés et Malfaiteurs, laquelle Convention a été signée à Sarzane le 30 Janvier proche passé, par les Ministres à ce autorisés, ensuite approuvée et ratifiée tant par Sa Majesté, que par la Duchesse de Massa et Carrare, et les Ratifications échangées le 2 Avril suivant, Sa Majesté nous a chargé d'en publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi, avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux accoutumés de ce ressort, son contenu sera gardé et observé, que les copies de ladite Convention que le présent seront portés aux Registres de la Cour et qu'à la Copie imprimée par l'Imprimeur du Gouvernement de Savoie, foi soit ajoutée comme à l'Original.

Fait à Chambéry, au Sénat, le 4 Août, 1818.

VISSOL, *Secrétaire*.

CONVENTION.

SA Majesté le Roi de Sardaigne et Son Altesse Royale la Duchesse de Massa et Carrare, étant convaincus que la facilité qu'ont les habitants d'un Etat de se réfugier dans les Etats limitrophes, produisant leur impunité, et conséquemment une plus grande fréquence dans les délits, et voulant pourvoir à un objet si important pour la tranquillité publique et pour l'avantage mutuel des 2 Etats, ont convenu d'en venir à une Convention pour l'arrêt et la rémission réciproque des Condamnés et des Malfaiteurs.

A ces fins, leurs Ministres Plénipotentiaires sont convenus et viennent de ce qui suit :

ART. I. Les Accusés d'un délit, dont le titre, selon les Lois du lieu où il aura été commis, ou autrement selon le droit commun, porte peine non moindre que celle de galère, ou autre correspondante, de quelque nature grave, comme aussi les Condamnés audit genre de peine, ne sont tolérés, ni assurés dans aucun des 2 Etats, et ils devront être remis, et ensuite remis au Gouvernement, qui les réclamera, toutefois s'ils soient Sujets de ce même Gouvernement, ou à cause du crime commis, ou pour origine, ou pour domicile ; pour l'effet de la présente Convention, tout Individu né dans l'un des 2 Etats Contractans sera réputé Sujet d'origine, et les Individus qui y auront demeurés pendant cinq ans consécutifs seront censés légitimement domiciliés.

II. Dans les cas que le Coupable appartienne par titre d'origine, ou de domicile légitime, au Gouvernement auquel la réquisition est adressée, et ne soit pas, dans ce dernier cas, Sujet d'origine du Gouvernement qui a fait la demande, il ne pourra être remis à celui-ci, s'il sera condamné par le premier d'après les Lois du lieu où le délit a été commis, et, à leur défaut, d'après celles du droit commun, pourvu que la peine ne soit jamais plus grave de celle prescrite pour le même délit par les Lois du Gouvernement auquel appartient le Coupable.

A ces fins, le Juge, dans la juridiction duquel le délit aura été commis, remettra les Actes qu'il aura dressés à celui du lieu où le Coupable est détenu, pour qu'il puisse terminer la procédure selon les réglemens qui y sont en vigueur. Le Jugement devra ensuite être communiqué d'un Gouvernement à l'autre.

Toutes les fois qu'il sera question d'un fait atroce, portant une peine grave à la tranquillité publique, et commis dans l'un des 2 Etats, de complicité entre Sujets des 2 Gouvernemens, on remettra les Coupables au Juge du lieu du délit, afin qu'il puisse faire les confrontations et les examens nécessaires pour le prouver complètement, préalable accord à se prendre entre les Juges respectifs, et on rendra ensuite pour être jugés dans l'Etat auquel la réquisition aura été faite.

III. Les Coupables qui, dans l'Etat auquel on a fait la réquisition, n'auraient commis un délit portant peine majeure, et même égale à celle qu'ils auraient encourue dans l'Etat qui les réclame, ne seront remis qu'après avoir subi la peine du délit commis dans l'Etat auquel la réquisition est faite.

IV. La demande de l'arrêt et la remise des Malfaiteurs se fera par le moyen de la présentation de Jugement, s'il s'agit de Condamnés, et par la simple assertion du titre du délit faite par les Officiers du Gouvernement qui les réclame, sera suffisante. Les Procès des Procès qui auraient été instruits avant la remise des

Coupables pour lesquels on ne payera que les frais d'écriture, et en même temps être remises avec les armes, l'argent et toute chose y relative, qui puisse servir de preuve du délit.

V. Les effets volés ou non, qui dans le cours de la procédure sont reconnus appartenir à des tiers, devront être rendus sans frais aux Propriétaires aussitôt que l'on en aura fait l'usage nécessaire de la procédure, toutefois qu'après avoir fait constater de leurs raisons par un moyen de preuves légitimes devant le Juge de la Cause, ou devant le Juge compétent du lieu de leur habitation, ils auront rapporté un verdict favorable à cet égard.

Il sera disposé des effets propres des Malfaiteurs, ou qui seront saisis auprès d'eux, selon les Lois de l'Etat où l'exécution de la condamnation aura lieu.

VI. Le Gouvernement qui, d'après la présente Convention, dans le cas d'être légitimement requis pour la rémission de quiconque Condamné ou Coupable, ne pourra lui faire grâce, ni lui accorder un sauf-conduit ou impunité, à l'exception des saufs-conduits qu'on accorde pour la preuve d'autres délits, selon les règles et pratiques criminelles auxquelles cependant, aussi bien que ceux autrement accordés aux Coupables, devront être retirés et censés de nul effet dans tous les cas où lesdits Coupables viendraient à être justement réclamés par le Gouvernement.

Lorsque le Coupable se trouvant dans un des cas contemplés par l'Article II, la rémission n'aura pas lieu, on ne pourra lui accorder de grâce ou impunité, si ce n'est d'accord, et avec l'adhésion de l'autre Gouvernement.

VII. Dans les cas que l'une des Parties Contractantes demanderait à l'autre la rémission d'Individus non Sujets, ni domiciliés dans les Etats respectifs, et pour lesquels il n'y ait lieu à procéder dans l'Etat requérant, les Gouvernements respectifs se servent d'accorder, ou de refuser une telle rémission, en égard aux Conventions en vigueur avec les autres Etats, et à la qualité et aux circonstances du délit.

VIII. Les frais de subsistance des Coupables depuis l'instance jusqu'à leur arrêt, jusqu'à celui de leur rémission, seront à la charge du Gouvernement qui a fait la réquisition, et seront réglés sur le même pied que pour les autres détenus dans l'Etat auquel est adressée la réquisition; à l'exception des frais plus considérables que la qualité et les circonstances des Personnes, ou d'autres motifs pourraient exiger. Lesdits frais que ceux des Copies des Procès seront remboursés au mois en 6 mois d'après l'état qui sera représenté à cet effet, et qui seront compensés entre les 2 Gouvernements.

IX. Tout Individu des Etats respectifs qui sciemment donne asile, logement, aide, ou secours aux Accusés, ou Condamnés pour lesquels il n'est prononcé aucune peine, ou qui, portant une des peines indiquées à l'Article I, encourra les peines

ées par les Lois en vigueur dans le lieu du recèlement aux fauteurs, recéleurs des Bandits, sauf les exceptions établies par les mêmes Lois, pour les parens, suivant les degrés de parenté et les circonstances du cas.

X. La force publique accourue, ou envoyée à la poursuite des Coupables, devra s'arrêter sur les frontières des 2 Etats, et ne pourra faire poursuivre dans l'Etat de l'autre Gouvernement, si ce n'est par les 2 Personnes au plus, munies de feuille d'ordre jusqu'au lieu le plus proche pour en faire la demande aux Autorités Civiles et Militaires qui s'y trouvent, lesquelles devront aussitôt employer tous les moyens propres à decouvrir l'Individu poursuivi, et le faire immédiatement arrêter.

La remise des Malfaiteurs devra se faire aux frontières des 2 Etats, après les accords nécessaires à se prendre par les 2 Gouvernements.

XI. Le cas échéant que quelqu'un des Malfaiteurs ou Criminels condamnés, en fuyant d'un Etat, passe au service militaire de l'autre pour soustraire aux effets de la présente Convention, il est convenu que, dans ce cas, on doit le rendre au Gouvernement qui en fera la disposition, et en outre, pour prévenir toutes les difficultés qui pourraient s'élever relativement à l'engagement, monture, entretien, et à la solde fournies par le Corps militaire dans lequel il se serait enrôlé, il est établi qu'à titre d'indemnité pour tous les frais susdits on doit, au cas de la remise de chacun de ces Coupables, payer la somme de 1000 livres neuves de Piémont, soit Italiennes.

XII. Les Juges des Etats respectifs et spécialement ceux qui se trouvent près des limites, seront obligés de surveiller les Fainéans, Vagabonds et les Etrangers, et de prendre sur leur compte les mesures nécessaires, afin que les Lois en vigueur sur cette matière soient exécutées dans tous les cas.

Pareillement les Juges et les Tribunaux de l'un et de l'autre Territoire, dans la juridiction desquels se trouveront des Accusés, ou Condamnés compris dans la présente Convention, seront tenus de pratiquer toutes les diligences possibles et d'agir de pleine intelligence pour faire arrêter, et de se prêter mutuellement pour la direction immédiate des réquisitoires respectifs, pour les enquêtes des témoins et autres investigations et recherches qui pourraient être nécessaires pour le service de la Justice punitive, et à la plus prompte et plus pleine instruction des procès pendans par-devant le Juge et Tribunaux susdits.

XIII. La présente Convention sera publiée dans les 2 Etats, aussitôt après l'échange des Ratifications, et sera aussi exécutoire pour les délits antérieurs, après l'expiration du délai de 15 jours, à partir de celui où ledit échange aura eu lieu.

Elle sera en vigueur pour 5 ans, et à leur échéance elle sera censée

renouvelée de 5 ans en 5 ans jusqu'à déclaration contraire de des 2 Gouvernemens.

En foi de quoi les respectifs Ministres Plénipotentiaires ont signé la présente, et y ont apposé le Cachet de leurs Armes.

Fait à Sarzane, le 30 Janvier, 1818.

ADAMI, *Régent le Royal Conseil de Justice de Sarzane*

J. GROSSI, *Président du Tribunal d'Appel de Modène*

Pour Extrait conforme traduit de l'Italien, sur Copie Authentique signée par Son Excellence le Marquis de S. Marsan, Ministre et premier Secrétaire d'Etat pour les Affaires Etrangères.

Turin, du Secrétariat d'Etat pour les Affaires Internes, le 1^{er} Juillet, 1818.

BATTALIA, *Secrétaire d'Etat. Archiviste*

MANIFESTE du Sénat de Savoie, portant Publication de la Convention faite entre Sa Majesté le Roi de Sardaigne et Son Altesse Impériale et Royale l'Archiduc Grand Duc de Toscane, à Florence, le 5 Janvier, 1815, pour l'abolition du Droit d'Aubaine, la réciprocité des Successions entre leurs Sujets respectifs, et autres objets d'une convenance réciproque.—Chambéry, le 21 Février, 1818.

LE SENAT DE SAVOIE.

LE Roi nous ayant fait parvenir par sa Lettre à Cachet du 1^{er} courant, une Copie authentique de la Convention passée entre Sa Majesté et le Grand Duc de Toscane, portant l'abolition du Droit d'Aubaine, la réciprocité des Successions entre leurs Sujets respectifs, et d'autres objets d'une convenance réciproque, laquelle Convention a été signée à Florence, le 5 Janvier, 1815, par les Ministres à ce chargés, ensuite approuvée et ratifiée tant par Sa Majesté que par le Grand Duc, et les Ratifications échangées le 2 du courant mois de Février: Sa Majesté nous a chargés d'en faire publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi, avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux accoutumés de ce ressort, son contenu sera gardé et observé, que les copies de ladite Convention que le présent seront portés aux Registres des cours et qu'à la Copie imprimée par l'Imprimeur du Gouvernement Royal en Savoie, foi soit ajoutée comme à l'Original.

Fait à Chambéry, au Sénat, le 21 Février, 1818.

GABET. *Neveu. Substitut*

CONVENTION.

Sa Majesté le Roi de Sardaigne et Son Altesse Impériale et Royale le Grand Duc de Toscane, voulant que leurs Sujets ressentent l'avantage des liens du sang, qui heureusement existent entre les Familles Souveraines, et désirant voir consolidés et augmentés les liens de parenté, d'amitié et de commerce qui subsistent déjà entre les habitans des 2 Etats, ont déterminé à en venir à une Convention au moyen de laquelle, en abolissant tout Droit d'Aubaine et tout autre contraire à la liberté des Successions entre les 2 Etats, on parvienne à assurer, par des dispositions analogues, la réciprocité d'un libre et libre exercice de tout contrat, de la possession et de la jouissance des biens et droits appartenans aux Sujets respectifs dans les deux Etats des 2 Gouvernemens.

A ces fins, leurs Ministres Plénipotentiaires sont convenus et contentent de ce qui suit :

ART. I. En vertu du présent Traité, tout Droit d'Aubaine, de restriction et tout autre contraire à la liberté des Successions et Dispositions réciproques sont abolis entre les 2 Etats, et les Héritiers et Citoyens y jouiront du même traitement qui serait usé envers les Sujets propres et naturels, bien entendu qu'ils seront soumis aux mêmes Lois et conditions imposées à ces derniers.

II. Les contrats, testamens, et tout autre acte ou disposition tant civils que de dernière volonté, qui seront revêtus des formalités et conditions requises pour leur validité dans le lieu où ils auront été faits, sortiront également leur effet dans l'Etat de l'autre Partie Contractante, quand même dans celui-ci d'autres formalités ou règles particulières ou différentes, fussent prescrites pour lesdits actes ou dispositions.

III. Les Actes Publics ou Jugemens qui porteront hypothèque dans les deux Etats, porteront pareillement hypothèque sur les biens meubles ou réputés immeubles, appartenans au débiteur de l'autre Etat, selon que ces biens en seront susceptibles d'après les Lois du pays dans lequel ils seront situés, sauf à se conformer aux règles, usages et pratiques judiciaires, qui y seront en vigueur relativement à la réalisation des hypothèques, de manière que l'acte ou jugement judiciaire de droit, quoiqu'émané dans l'autre Etat, ait aussi la même force et quant aux actions réelles et possessoires, comme s'il avait été fait ou prononcé dans celui où les biens sont situés, pourvu qu'on remplisse les formalités prescrites en matière judiciaire dans les Etats respectifs.

IV. Pour faciliter l'exécution des Jugemens et Ordonnances de Justice, il est convenu qu'elle pourra être accordée dans les cas et dans les formes de droit, sur réquisitions passées respectivement entre les Gouvernemens Suprêmes, moyennant l'accomplissement des formalités

relatives à la jurisdiction respective, en conformité de l'Article précédent.

V. L'obligation de la caution *judicatum solvi* est abolie, et les Sujets de l'un des Etats pourront se présenter et ester en jugement devant les Tribunaux de l'autre, tout de même que s'ils étaient Sujets naturels de cet Etat, et pleinement soumis à la jurisdiction du Tribunal où la Cause sera pendante.

VI. La présente Convention sera ratifiée, le plutôt que faire pourra, par les Souverains respectifs; elle sera publiée dans les Etats, et y sortira son plein et entier effet à dater du jour qui succédera immédiatement celui où l'échange des Ratifications aura lieu.

Fait à Florence, le 5 Janvier, 1818.

LE MARQUIS BRIGNOLE SAL
FOSSOMBRON

Du Secrétariat d'Etat pour les Affaires Internes, le 18 Février 1818.

BATTALIA, *Secr. d'Etat. Archivista*

*ACT of the British Parliament, "to carry into execution
Treaty made between His Majesty and the King of Spain
for the preventing Traffic in Slaves."*

[58 Geo. III. Cap 36.]

[28th May, 1818]

WHEREAS a Treaty was made between His Majesty and His Catholic Majesty the King of Spain, for preventing Traffic in Slaves and signed at Madrid on the 23rd day of September, 1817: and whereas by the 1st Article of the said Treaty, His Catholic Majesty engaged that the Slave-trade shall be abolished throughout the entire Dominions of Spain on the 30th day of May, 1820; and that from and after that period it shall not be lawful for any of the Subjects of the Crown of Spain to purchase Slaves, or to carry on the Slave-trade on any part of the Coast of Africa, upon any pretext or in any manner whatever; provided however, that a term of 5 months from the said date of the 30th of May, 1820, shall be allowed for completing the voyages of Vessels which shall have been cleared out lawfully previously to the said 30th of May: and whereas it was by the IInd Article of the said Treaty agreed, that from and after the exchange of the Ratifications of the said Treaty, it shall not be lawful for any of the Subjects of the Crown of Spain to purchase Slaves, or to carry on the Slave trade on any part of the Coast of Africa to the North of the Equator, upon any pretext or in any manner whatever; provided however, that a term of 6 months from the date of the exchange of the Ratifications of the said Treaty, shall be allowed for completing the

Voyages of Vessels which shall have cleared out from Spanish Ports
 the said Coast previously to the exchange of the said Ratifications:
 and whereas by the IIIrd Article of the said Treaty, His Majesty en-
 dored to pay in London, on the 20th of February, 1818, the sum of
 100,000 to such Person as His Catholic Majesty shall appoint to re-
 ceive the same: and whereas it was by the IVth Article of the Treaty
 agreed, that the said Sum of £400,000 is to be considered as a full
 compensation for all losses sustained by the Subjects of His Catholic
 Majesty, engaged in this Traffic, on account of Vessels captured pre-
 viously to the exchange of the Ratifications of the said Treaty, as also
 the losses which are a necessary consequence of the abolition of
 the said Traffic: and whereas it was in the Vth Article of the said
 Treaty declared and agreed, that every Traffic in Slaves, which should
 be carried on under the circumstances in the said Article stated, should
 be considered as illicit: 1st. either by British Ships, and under the
 British Flag, or for the account of British Subjects, by any Vessel, or
 under any Flag whatsoever: 2dly, by Spanish Ships upon any part of
 the Coast of Africa North of the Equator, after the exchange of the
 Ratifications of the said Treaty; provided however, that 6 months
 should be allowed for completing the voyages of Vessels conformably
 to the tenor of the IIInd Article of the said Treaty: 3dly, either by
 Spanish Ships and under the Spanish Flag, or for the account of
 Spanish Subjects, by any Vessel, or under any Flag whatsoever, after
 the 30th of May, 1820, when the Traffic in Slaves on the part of
 Spain was declared by the said Treaty to cease entirely; and it was
 by the said Article provided, that 6 months should be allowed for the
 completion of Voyages commenced in due time, conformably to the
 Article of the said Treaty: 4thly, under the British or Spanish
 Flag, for the account of the Subjects of any other Government: 5thly,
 Spanish Vessels bound for any Port not in the Dominions of His
 Catholic Majesty: and whereas by the VIth Article of the said Treaty,
 His Catholic Majesty engages to adopt, in conformity to the spirit of
 the said Treaty, the measures which are best calculated to give full
 and complete effect to the laudable objects thereof: and whereas it
 was by the VIIth Article of the said Treaty stipulated, that every
 Spanish Vessel which shall be destined for the Slave Trade, on any
 part of the Coast of Africa, where this Traffic still continues to be
 lawful, must be provided with a Royal Passport, conformable to the
 model annexed to the said Treaty, and which model forms an integral
 part of the same, written in the Spanish Language, with an authentic
 translation in English annexed thereto, and signed by His Catholic
 Majesty, and countersigned by the Minister of Marine, and also by the
 principal Naval Authority of the District, Station, or Port from
 whence the Vessel clears out, whether in Spain, or in the Colonial
 Possessions of His Catholic Majesty: and whereas it was by the
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VIIIth Article of the said Treaty agreed, that it should be understood that this Passport, for rendering lawful the Voyages of Slave Ships should be required only for the continuation of the Traffic to the South of the Line, and that those Passports which were then issued, signed by the First Secretary of State of His Catholic Majesty, and in form prescribed by an Order of the 16th of December, 1816, should remain in force for all Vessels which may have cleared out for the Coast of Africa, well to the North as to the South of the Line, previously to the change of the Ratifications of the said Treaty. And whereas it was also agreed and declared by the IXth Article of the said Treaty, that the Ships of War of His Majesty and of His Catholic Majesty, which should be provided with Special Instructions for that purpose, as mentioned in the said Treaty, may visit such Merchant Vessels of the Nations as may be suspected, upon reasonable grounds, for having Slaves on board, acquired by an illicit trade; and in the event of their finding Slaves on board, may detain and bring away such Vessels, in order that they may be brought to trial before the Tribunal to be established for that purpose, as specified in the said Treaty; and it was by the said Article provided, that the Commanders of Ships of War of the Royal Navies of His Majesty and His Catholic Majesty who shall be employed in this service, shall adhere strictly to the extentor of the Instructions which they shall receive for this purpose, and His Majesty and His Catholic Majesty engaged mutually to make good any losses which the Subjects of His Majesty and of His Catholic Majesty might respectively incur unjustly, by the arbitrary or illegal detention of their Vessels, it being understood that this indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of the arbitrary detention; provided always, that the visit and detention of Slave Ships specified in the said Article, shall only be effected by those British or Spanish Vessels which may form part of the 2 Royal Navies, and by those only of such Vessels which are provided with the Special Instructions annexed to the said Treaty. And whereas it was also agreed by the Xth Article of the said Treaty that no British or Spanish Cruiser shall detain any Slave Ship unless having Slaves actually on board, and that in order to render lawful the detention of the Ship, whether British or Spanish, the Slaves found on board such Vessel must have been brought on board the Vessel for the express purpose of the traffic, and those on board of Spanish Ships must have been taken from that part of the Coast of Africa where the Slave-trade is prohibited, conformably to the tenor of the said Treaty; and it was also agreed by the XIth Article of the said Treaty, that all Ships of War of the 2 Nations which shall hereafter be destined to prevent the illicit traffic in Slaves, shall be furnished with a Copy of the Instructions annexed to the said Treaty, and considered as an integral part thereof, with a proviso nevertheless in the said Treaty, that His Majesty and His Catholic Majesty, with mutu-

present, may alter the Instructions in whole or in part, according to circumstances. And whereas it was also by the XIIth Article of the said Treaty provided, in order to bring to adjudication, with the least delay and inconvenience, the Vessels which may be detained for having been engaged in an illicit traffic of Slaves, that there shall be established, within a space of a year at furthest from the exchange of Ratifications of the said Treaty, 2 Mixed Commissions, formed of an equal number of Persons of the 2 Nations, named for that purpose by the respective Sovereigns; and that these Commissions shall reside, one in a Possession belonging to His Majesty, the other within the Territories of His Catholic Majesty; one of which Commissions is stipulated by the said Treaty to be always held upon the Coast of Africa, and the other in one of the Colonial Possessions of His Catholic Majesty; and it was by the said Treaty provided, that the said Commissions shall judge the Causes submitted to them without appeal, according to the Regulations and Instructions annexed to the said Treaty, which said Instructions were by the said Treaty made an integral part thereof. And whereas the Instructions herein-before referred to and annexed to the said Treaty as part thereof, relating to the British and Spanish Ships of War employed to prevent illicit traffic of Slaves, did in several Articles provide, 1st, that every British or Spanish Ship of War shall, in conformity with Article IX of the Treaty, have a right to visit the Merchant Ships of either of the 2 Nations actually engaged or suspected to be engaged in the Slave-trade; and if any Slaves shall be found on board, according to the tenor of the said Article of the Treaty; and as to what regards the Spanish Vessels, there shall be ground to suspect that the said Slaves have been embarked on a part of the Coast of Africa where the traffic is no longer permitted, conformably to the said Treaty; and in such cases alone, the Commander of the said Ship of War may detain such Merchant Ship or Vessel, and shall, as soon as possible, bring the same for Judgment before such of the 2 Mixed Commissions appointed by the XIIth Article of the said Treaty, which shall be the nearest or which the Commander of the Capturing Ship shall, upon his own responsibility, think he can soonest reach from the spot where the Slave Ship shall have been detained; and it was provided, that Ships, on board of which no Slaves shall be found, intended for the purposes of traffic, shall not be detained on any account or pretence whatsoever; and that Negro Servants or Sailors found on board any such Vessels shall not in any case be deemed a sufficient cause for detention; and it was also provided, by the IInd Article of the said last-mentioned Instructions, that no Spanish Merchantman or Slave Ship shall, on any pretence whatever, be detained, which shall be found any where near the Land, or on the High Seas South of the Equator, during the period for which the traffic is to remain lawful, according to the said Treaty, unless

after a chase that shall have commenced North of the Equator ; and it was also provided by the IIIrd Article of the said last-mentioned Instructions, that Spanish Vessels, furnished with a regular Passport having Slaves on board, shipped at those parts of the Coast of Africa where the trade is permitted to Spanish Subjects, and which shall afterwards be found North of the Equator, shall not be detained by any British or Spanish Ship of War, if such Spanish Vessels can account for their course, either in conformity with the practice of the Spanish navigation, by steering some degrees to the Northward in search of fair winds, or for other legitimate causes, such as the danger of the sea, duly proved: Provided always, that with regard to Slave Ships detained to the North of the Equator, after the expiration of the term allowed, the proof of the legality of the voyage is required to be furnished by the Vessel so detained; on the other hand, with respect to Slave Ships detained to the South of the Equator, in conformity with the stipulations of the preceding Article, the proof of the illegality of the voyage is required to be exhibited by the Captor; and it was in like manner stipulated, that the number of Slaves found on board a Slave Ship by the Cruizers, even if the number should not agree with that contained in the Passport, shall not be sufficient reason to justify the detention of such Ship, but that the Captain and the Proprietor shall in such case be denounced in the Spanish Tribunals, in order to their being punished according to the Laws of the Country; and it was also provided by the IVth Article of the said last-mentioned Instructions, that every Spanish Vessel intended to be employed in the legal trade of Slaves, in conformity with the principles laid down in the said Treaty, shall be commanded by a native Spaniard, and two-thirds at least of the Crew shall likewise be Spaniards; and it was provided that the Spanish or Foreign construction of the Ship or Vessel shall in no way affect the national character of the Ship or Vessel, and that the Negro Sailors shall always be reckoned as Spaniards, provided they belong as Slaves to Subjects of the Crown of Spain, or that they have been enfranchised in the Dominions of His Catholic Majesty; and it was also provided by the Vth Article of the said last-mentioned Instructions that whenever a Ship of War shall meet a Merchantman liable to be searched, it shall be done in the most mild manner, and with every attention which is due between allied and friendly Nations; and in such case shall the search be made by an Officer holding a rank inferior to that of Lieutenant in the Navy of Great Britain, or of Ensign of a Ship of the Line in the Spanish Navy; and it was also provided by the VIth Article of the said last-mentioned Instructions, that the Ship of War which may detain any Slave Ship, in pursuance of the principles laid down in the said Instructions, shall leave on board all the Cargo of Negroes untouched, as well as the Captain, and a part

least of the Crew of the Slave Ship; and that the Captain commanding a Ship of War detaining any such Slave Ship shall draw up in writing an authentic Declaration, which shall exhibit the state in which he found the detained Ship, and the changes which may have taken place in such Ship, and shall also deliver to the Captain of the Slave Ship a signed Certificate of the Papers seized on board the Vessel, as well as of the number of Slaves found on board at the moment of detention; and it is also provided, that the Negroes on board of any such Ship shall not be disembarked until after the Vessel detained shall arrive at the place where the legality of the Capture is to be tried by one of the 2 Mixed Commissions, in order that in the event of the Vessel not being adjudged a legal Prize, the loss of the Proprietors may be more easily repaired, with proviso, however, that if urgent motives, deduced from the length of the voyage, the state of health of the Negroes, or other causes, require that they shall be disembarked entirely or in part, before the Vessel can arrive at the place of residence of one of the said Commissions, the Commander of the capturing Ship may take on himself the responsibility of such disembarkation, provided that the necessity thereof shall be stated in a Certificate in proper form; and it was also provided by the VIIth Article of the said Instructions, that no conveyance of Slaves from one part in the Spanish Possessions to another, shall take place, except in Ships provided with Passports from the Spanish Government on the spot for that purpose: And whereas the Regulations for the Mixed Commissions which are to reside on the Coast of Africa, and in a Colonial Possession of His Catholic Majesty, and which were annexed to the said Treaty as part thereof, have in several Articles provided, 1st, that the Mixed Commissions to be established by the said Treaty upon the Coast of Africa, and in a Colonial Possession of His Catholic Majesty, shall decide upon the legality of the detention of such Slave Vessels as the Ships of War of both Nations shall detain, in pursuance of the said Treaty, for carrying on an illicit commerce in Slaves, and shall judge without appeal, according to the letter and spirit of the said Treaty; and that the said Commissions shall give Sentence as summarily as possible, and decide (as far as they shall find it practicable) within the space of 20 days, to be dated from the day upon which every detained Vessel shall have been brought into the Port where they shall reside, 1st, upon the legality of the Capture, and 2ndly, in the case in which the captured Vessel shall have been liberated, as to the Indemnification to be paid for the capture and detention; and it is by the said Regulations provided, that no final Sentence shall be delayed on account of the absence of Witnesses, or for want of the proofs, beyond the period of 2 months, except upon application of any of the Parties interested, when, upon their giving satisfactory security to charge themselves with the expence and risks of the delay, the Commissi-quers

may, at their discretion, grant an additional delay, not exceeding three months; and it was also by the IInd Article of the said Treaty provided, that the said Mixed Commissions, which are to sit on the Coast of Africa, and in the Colonial Possessions of His Majesty shall be composed in the following manner; that His Majesty and His Catholic Majesty shall each of them appoint a Commissary Judge and a Commissioner of Arbitration, authorized to hear and decide without appeal, all cases of Slave Vessels which in pursuance of the Stipulation of the Treaty may be laid before them; and it was also provided, that all the principal parts of the proceedings carried on before the said Mixed Commissions, shall be written down in the legal language of the Country in which the Commission may reside; and it was also provided, that the Commissary Judges and the Commissioner of Arbitration shall make Oath in presence of the principal Magistrate of the Place in which the Commission may reside, to judge fairly and impartially, to have no preference either for the Claimants or for the Defendants, and to act in all their decisions in pursuance of the Stipulations of the Treaty; and it was also thereby provided, that there shall be appointed to each Commission a Secretary or Registrar appointed by the Sovereign of the Country in which the Commission may reside, who shall register all its acts, and who, previous to his taking the Oath of his Office, shall make Oath in presence of at least one of the Commissary Judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to him; and it was also provided in the IIIrd Article of the said Treaty, that the Form of the Process shall be as follows; that in each of the 2 Commissary Judges of the 2 Nations shall, in the first place, be presented to the examination of the Papers of the Vessels, and of the Depositions on Oath of the Captain, and of 2 or 3 at least principal Individuals on board of the detained Vessel, as well as a Declaration on Oath of the Captor, should it appear necessary, in order to be able to judge and to pronounce if the said Vessel is justly detained or not, according to the Stipulations of the Treaty; in order that, according to their judgment, the Vessel may be condemned or liberated, and in the event of the 2 Commissary Judges agreeing upon the Sentence, whether as to the legality of the detention, or the Indemnification to be allowed, or upon any other question which might result from the Stipulations of the Treaty, they shall draw by lot the name of one of the 2 Commissary Judges of Arbitration, who, after having considered the Documents presented to him, shall consult with the Commissary Judges upon the question, and the final Sentence shall be pronounced according to the opinion of the majority of the Commissary Judges, and the Commissioner of Arbitration so chosen; and it was

ded by the IVth Article of the said Regulations, that as often as the cargo of Slaves found on board of a Spanish Slave Ship shall have embarked from any point whatever of the Coast of Africa where the Slave trade continues to be lawful, such Slave Ship shall not be detained on pretext that the above mentioned Slaves have been brought originally by Land from any other part whatever of the Continent ; and it was also provided by the Vth Article of the said Regulations, that in the authenticated Declaration which the Captor shall make before the Commission, as well as in the Certificate of the Papers seized, which shall be delivered to the Captain of the captured Vessel at the time of the detention, the Captor shall state and declare his name, and the name of his Vessel, as well as the Latitude and Longitude of the place where the detention shall have taken place, and the number of the Slaves found living on board the Slave Ship at the time of the detention ; and it was also provided by the VIth Article of the said Regulations, that as soon as any Sentence shall have been passed, the detained Vessel, if liberated, and what may remain of the cargo, shall be restored to the Proprietors, who shall, before the same Commission, claim a valuation of the damages which they may have a right to demand ; and that the Captor himself, and in his default, the Government to which the Captor shall belong, shall remain responsible for such damages, which the said Governments respectively bind themselves to defray, within the term of a Year from the date of the Sentence, it being understood that all such Indemnifications shall be at the expence of the Government of which the Captor shall be a subject ; and it was also by the VIIth Article of the said Regulations provided, that in case the Condemnation of any Vessel for an unlawful voyage, the Vessel shall be declared lawful Prize, as well as her Cargo, whatever description it may be, with the exception of the Slaves who may be on board, as objects of commerce ; and the said Vessel, as well as her cargo, shall be sold by public sale, for the profit of the Governments ; and as to the Slaves, they shall receive from the Mixed Commission a Certificate of Emancipation, and shall be delivered over to the Government on whose Territory the Commission which shall have so judged them shall be established, to be employed as Servants or free Labourers ; and it was also further provided by the VIIIth Article of the said Regulations, that every claim for compensation of Losses, occasioned by any Ships being inspected and detained, as carrying on an illicit trade in Slaves, but not afterwards condemned as lawful Prize by the Mixed Commissions, shall be also heard and judged by the said Commissions, in the form provided by the IIIrd Article of the said Regulation ; and in all cases wherein restitution shall be so decreed, the Commission shall award to the Claimant or Claimants, or his or their lawful Attorney or Attornies, for his

or their use, a just and complete indemnification for all costs of suit and for all losses and damages, which the Claimant or Claimants may have actually sustained by such capture and detention; that is to say, in case of total loss, the Claimant or Claimants shall be indemnified, 1st, for the Ship, her tackle, apparel, and stores; 2dly, for all freight due and payable; 3dly, for the value of the Cargo of Merchandise, if any; 4thly, for the Slaves on board at the time of detention, according to the computed value of such Slaves at the place of destination, deducting therefrom the usual fair average mortality, for the unexpired period of the regular Voyage, deducting also for all charges and expences payable upon the sale of such Cargoes, including commission of sale; and 5thly, for all other regular charges in such cases of total loss; and in all other cases not of total loss, the Claimant or Claimants shall be indemnified, 1st, for all special damages and expences occasioned to the Ship by the detention, and for the loss of freight, when due or payable; 2dly, a demurrage, when due, according to the Schedule annexed to the said VIIIth Article; 3dly, daily allowance for subsistence of Slaves, of 1 Shilling or $4\frac{1}{2}$ Reales de Vellon, for each Person, without distinction of age or sex, for so many days as it shall appear to the Commission that the voyage has been or may be delayed by reason of such detention; as likewise 4thly, for any deterioration of cargo or Slaves; 5thly, for any diminution in the value of the cargo of Slaves, proceeding from an increased mortality beyond the average amount of the voyage, or from sickness occasioned by detention, this value to be ascertained by the computed price at the place of destination, as in the above case of total loss; 6thly, an allowance of 5 per centum on the amount of the capital employed in the purchase and maintenance of Cargo, for the period of delay occasioned by the detention; and, 7thly, for the premium of insurance on additional risks; and the Claimant or Claimants shall likewise be entitled to interest, at the rate of 5 per centum per annum, on the sum awarded, until paid by the Government to which the capturing Ship belongs; the whole amount of such indemnifications being calculated in the money of the Country to which the captured Ship belongs, and to be liquidated at the exchange current at the time of award, excepting the sum for the subsistence of Slaves, which shall be paid at par, as above stipulated; and to avoid as much as possible every species of fraud in the execution of this said Treaty, it was agreed, that if it should be proved to the conviction of the Commissary Judges of the 2 Nations, and without having recourse to the decision of a Commissioner of Arbitration, that the Captor has been led into error by a voluntary and a reprehensible fault on the part of the Captain of the detained Ship, in that case only the detained Ship shall not have the right of receiving during the

s of her detention, the demurrage stipulated by the said VIIIth Article; and to the said VIIIth Article a Schedule of demurrage or allowance was annexed, as follows; that is to say, for a Vessel of

100 Tons to 120 inclusive	-	£	5	} per diem,
121 ditto - 150 ditto	-	-	6	
151 ditto - 170 ditto	-	-	8	
171 ditto - 200 ditto	-	-	10	
201 ditto - 220 ditto	-	-	11	
221 ditto - 250 ditto	-	-	12	
251 ditto - 270 ditto	-	-	14	
270 ditto - 300 ditto	-	-	15	

so in proportion; and it was also by the said IXth Article of the Regulations provided, that when the proprietor of a Ship suspected of carrying on an illicit Trade in Slaves, released in consequence of Sentence of one of the Mixed Commissions (or in the case as above mentioned of total loss) shall claim indemnification for the loss of Slaves which he may have suffered, he shall in no case be entitled to claim for more than the number of Slaves which his Vessel by the Spanish Laws was authorized to carry, which number shall always be stated in his Passport; and it was also provided in the Xth Article of the said Regulations, that neither the Judges nor the Arbitrators, nor the Secretary of the Mixed Commissions, shall be permitted to demand or receive, from any of the Parties concerned, in the Sentences which they shall pronounce, any emolument, under any pretext whatsoever, for the performance of their duties which are imposed upon them by the said Regulations; and it was also provided by the XIth Article of the said Regulations, that no Parties interested shall imagine they have cause to complain of any evident injustice on the part of the Mixed Commissions, they may present it to their respective Governments, who reserve to themselves the right of mutual Correspondence, for the purpose of removing, when they think fit, the Individuals who may compose these Commissions; and it was also provided by the XIIth Article of the said Regulations, that in case of a Vessel being improperly detained under the influence of the Stipulations of the Treaty, and the Captor not being able to justify himself, either by the tenor of the said Treaty, or of the Instructions annexed to it, the Government to which the detained Vessel may belong shall be entitled to demand reparation, and in such case the Government to which the Captor may belong binds itself to cause inquiry to be made into the subject of the complaint, and to institute upon the Captor, if he be found to have deserved it, a punishment proportioned to the transgression which may have been committed; and it was also by the XIIIth Article of the said Regulations provided, that in the event of the death of one or more of the Commissary Judges, or the Commissioners of Arbitration, composing the above-

mentioned Mixed Commissions, their posts shall be supplied *interim* in the following manner; that is, on the part of the British Government, the vacancies shall be filled successively in the Commission, which shall sit within the Possessions of His Majesty, by the Governor or Lieutenant-Governor resident in that Colony, by the principal Magistrate of the same, and by the Secretary; and in the which shall sit within the Possessions of His Catholic Majesty, it was agreed, that in case of the death of the British Judge or Arbitrator there, the remaining Individuals of the said Commission shall proceed equally to the Judgment of such Slave Ships as may be brought before them, and to the execution of their Sentence; and in such case alone the Parties interested shall have the right of appealing from the Sentence if they think fit, to the Commissioner resident upon the Coast of Africa; and the Government to which the Captor shall belong shall be bound fully to make good the compensation which shall be due to them in case the Appeal be decided in favour of the Claimants, but the Vessel and Cargo shall remain during such Appeal in the place of residence of the first Commission before which they shall have been carried; and it was thereby agreed, that on the part of Spain the vacancies shall be supplied in the Possession of His Catholic Majesty by such Persons of trust as the principal Authority of the Country shall appoint; and upon the Coast of Africa, in case of the death of any Spanish Judge or Arbitrator, the Commission shall proceed to Judgment in the same manner as above specified, for the Commission resident in the Possession of His Catholic Majesty, in the event of the death of the British Judge or Arbitrator; an Appeal being in this case likewise allowed to the Commission resident in the Possession of His Catholic Majesty, and in general all the provisions of the former case being to be applied; and it was further agreed by the said Article, that all vacancies which may arise in the above-mentioned Commissions, from death or any other cause, should be supplied as soon as possible; and in case that the vacancy of any of the Spanish Commissioners in the British Possessions, or of the British Commissioners in the Spanish Possession, be not supplied at the end of the term of 7 months for America, and of 12 for Africa, the Vessels which shall be brought to the said Possessions respectively shall cease to have the right of appeal above stipulated: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the provisions of the said Treaty; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, that it shall be lawful for any Officers commanding any Ship of War of His Majesty, duly authorized in that behalf, and provided with Instructions according to the provisions of the said Convention, to visit

and search all Ships and Vessels which shall be suspected, upon reasonable grounds, of having Slaves on board, acquired by an illicit traffic, and to detain and bring to adjudication all Ships, Vessels, and Cargoes therein, made subject to detention and Condemnation, according to the provisions of the said Treaty, and the Regulations and Instructions aforesaid.

II. And be it further enacted, that all Ships and Vessels belonging wholly or in part to His Majesty's Subjects, which shall be suspected upon reasonable grounds of having Slaves on board, acquired by an illicit traffic, shall be and are hereby declared and made, according to the IXth Article of the said Treaty, subject to the visitation and search of British or Spanish Vessels of War, duly authorized for that purpose, according to the provisions of the said Treaty; and that all Ships and Vessels belonging wholly or in part to His Majesty's Subjects, which shall be found having Slaves on board, acquired by an illicit traffic, contrary to the provisions of the IXth and Xth Articles of the said Treaty, so recited as aforesaid, and all Boats, Apparel, Furniture, and Slaves, belonging to such Ships or Vessels, and all Cargoes therein, shall be and are hereby declared to be and made subject to the search and detention of British or Spanish Vessels of War duly authorized for that purpose, according to the Stipulations of the said Treaty, and to forfeiture according to the Provisions of the said Treaty, and of the Regulations and Instructions thereunto annexed, and shall also be and are hereby made subject to the Adjudication of and to Condemnation or other Judgment by the Commissary Judges and Commissioners to be appointed according to the Provisions of the said Treaty, and to the Instructions and Regulations annexed thereto, recited as aforesaid.

III. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to appoint such Commissary Judges and Commissioners of Arbitration as are in and by the said Treaty, and Regulations thereto annexed, mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such Offices, by appointing other Persons thereto, and to grant Salaries to such Commissary Judges and Commissioners of Arbitration as aforesaid, not exceeding such annual sums as the Lords Commissioners of His Majesty's Treasury of Great Britain and Ireland shall from time to time direct; and such Commissary Judges and Commissioners are hereby authorized and empowered to examine and decide all such cases of detention, captures, and seizures of Vessels and their Cargoes as aforesaid, detained, seized, taken or captured under the said Treaty or Instructions and Regulations, as are by the said Treaty, Instructions and Regulations, and by this Act, made subject to their jurisdiction, and to proceed therein, and give such Judgments, and make such

Orders therein, and do all other acts, matters, and things appertaining thereto, agreeably to the Provisions of the said Treaty, and Instructions and Regulations annexed thereto, as fully and effectually to all intents and purposes as if special powers and authorities that purpose were specifically and particularly inserted and given in relation thereto in this Act.

IV. And be it further enacted, that it shall be lawful for His Majesty, by any Warrant under His Royal Sign Manual, countersigned by one of His Majesty's Principal Secretaries of State for the time being, to nominate and appoint a Secretary or Registrar to the Commission which shall be established in His Majesty's Dominions, from time to time to supply, by other appointments, any vacancy which may thereafter occur in such Office, and to grant Salaries to such Secretary or Registrar, not exceeding such annual Sum as the said Lord Commissioners shall from time to time direct; and such Secretary or Registrar is hereby respectively authorized and empowered to perform, and execute all the duties of such Office, as set forth and described in the said Treaty, Instructions, and Regulations respectively, and to do, perform, and execute all such acts, matters, and things as may be necessary for the due discharge of the duties of such Office, according to the provisions of the said Treaty and Instructions and Regulations.

V. And be it further enacted, that it shall be lawful for the Governor, or Lieutenant Governor, or principal Magistrate of the Colony or Settlement in which the Commission shall sit, within the Possessions of His Britannic Majesty, to fill up every vacancy which shall arise in such Commission, either of Commissary Judge, Commissioner, or Officer thereof, appointed by His Majesty as aforesaid, according to the Provisions contained in the XIIIth Article of the before-recited Regulations annexed to the said Treaty, *ad interim*, until such vacancies or vacancies shall be thereafter filled by some Person or Persons appointed by His Majesty for that purpose.

VI. And be it further enacted, that every Commissary Judge or Commissioner of Arbitration appointed by His Majesty shall, before he shall enter upon the execution of any of the duties of such Office, take an Oath, in the presence of the principal Magistrate then residing and acting in the Colony, Settlement, or Place, whether belonging to His Britannic or His Most Catholic Majesty, in which such Commission shall be appointed to reside; which Oath every such Magistrate in any Colony, Settlement, or Place belonging to His Majesty, in which such Court or Commission shall be appointed to reside, is hereby authorized to administer in the form following; to wit, is to say,

“ I, A. B. do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my Office as faithfully, impartially, fairly, and without preference or

favor, either for Claimants or Captors, or any other Persons ; and I will, to the best of my judgment and power, act in pursuance of and according to the Stipulations, Regulations, and Instructions contained in the Treaty between His Majesty and His Catholic Majesty, signed at Madrid on the 23rd day of September, 1817.

So help me God."

And every Secretary or Registrar appointed by His Majesty under the provisions of the Treaty and Regulations and Instructions, and of this Act, shall, before he enters on the duties of his said Office, take an oath before the British Commissary Judge as aforesaid, who is hereby empowered to administer the same, in the form following, that is to

" I, A. B. do solemnly swear, that I will, according to the best of my skill and knowledge, act in the execution of my Office ; and that I will conduct myself with respect to the authority of the Commissary Judges and Commissioners of Arbitration of the Commission to which I am attached ; and will act with fidelity in all the affairs which may come long to my charge, and without preference or favor, either for Claimants or Captors, or any other Persons.

So help me God."

VII. And be it further enacted, that it shall be lawful for the said Commissary Judges or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer oaths to and take the Depositions of all Parties, Witnesses, and other Persons who may come or be brought before them to be examined, or for the purpose of deposing, in the course of any proceeding before the said Commissary Judges, or before the said Commissary Judges and the Commissioner of Arbitration, in the Cases in which such Commissioners of Arbitration shall act with the said Commissary Judges under the said Treaty, Instructions, or Regulations, or this Act ; and it shall also be lawful for the said Commissary Judges and Commissioners of Arbitration, in the Cases aforesaid, to summon before them Persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, or matter or thing under their cognizance ; and to send for and issue precepts for the producing of such Papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and like means, powers, and authorities as any Court of Vice-Admiralty may do.

VIII. And be it further enacted, that every Person who shall wilfully and corruptly give false evidence in any examination or deposition had, or affidavit taken, upon or in any proceeding before the said Commissary Judges or Commissioners aforesaid, under the said Treaty, Instructions or Regulations, or this Act, shall be deemed guilty of perjury, and being thereof convicted, shall be subject and liable to all

the punishments, pains, and penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury either in the place where the Offence was committed, or in any Colony or Settlement of His Majesty near thereto, in which there is a Court of competent jurisdiction to try any such Offence, or in His Majesty's Court of King's Bench in England; and that in case of any prosecution for such Offence in His Majesty's said Court of King's Bench, the Venue may be laid in the County of Middlesex.

IX. And be it further enacted, that the pendency of any suit or proceeding, instituted before the said Commissioners, for the condemnation or restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Treaty, or Instructions or Regulations thereto annexed, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar, or given in evidence under the general issue, and shall be and be deemed and adjudged in any Court whatever, to be a good and complete bar in any action, suit, or proceeding, whether brought or instituted by any Person or Persons for the recovery of any such Ship, Vessel, or Cargo, or of any damage, or for any injury sustained thereby, or by the Persons on board the same, in consequence of any capture, seizure, or detention, or act, matter, or thing done under the authority or in pursuance of the provisions of the said Treaty, or of the Instructions or Regulations thereto annexed; any thing in any Act or Acts of Parliament or Law or Laws to the contrary notwithstanding.

X. And be it further enacted, that the sum of £400,000, stipulated to be paid by the said Treaty, and paid and accepted accordingly, as a full compensation for all losses sustained by the Subjects of His Catholic Majesty, on account of Vessels captured previously to the exchange of the Ratification of the said Treaty, and for the losses which are a necessary consequence of the abolition of the said traffic in Slaves, shall be considered and taken to be a full compensation for all such losses as aforesaid; and that the said Stipulation, as in this Act recited and contained, may be pleaded in bar, or given in evidence upon the general issue, and shall be and be deemed and adjudged in every Court whatever to be a good and complete bar in any and every action, suit, or proceeding brought or instituted for restitution or any other matter or thing in relation to any such capture, or for any damage or injury sustained thereby, or in relation thereto, or for any such losses as aforesaid; any thing contained in any Act or Acts of Parliament to the contrary notwithstanding.

XI. Provided always, and be it further enacted, that it shall be lawful for the Lords Commissioners of Appeal in Prize Causes, and for the High Court of Admiralty in all cases and questions arising out of the said Captures, that may be depending before them, or that

brought before them on Appeal from any Vice-Admiralty according to their respective jurisdictions, to proceed therein, hear and determine all questions respecting any right or interest to the same, to which His Majesty, or the Captors or Seizors of Ships, Vessels, or Cargoes, may claim to be entitled, by reason of capture or seizure thereof, and the Laws relating thereto, and the judgments and orders therein, by the usual process of the Courts; any thing in this Act to the contrary notwithstanding. Provided also, and be it further enacted, that in all such cases as aforesaid, in which the Captors or Seizors shall not establish any right or interest on their behalf, by reason of the capture thereof, and the Laws relating thereto, it shall be lawful for the said Courts respectively to order and adjudge the Ships, Vessels, and Cargoes, or the proceeds thereof, and all and every part thereof, unto or to which the Captors shall not establish any right or interest as aforesaid, to be sold or paid, to the use of His Majesty, to such Person or Persons as the said Commissioners of His Majesty's Treasury for the time being shall appoint to receive the same, and to enforce the debt due by the payment thereof by the usual process of the said Courts respectively; any thing in this Act to the contrary notwithstanding.

And be it further enacted, that nothing in this Act contained shall extend, or be deemed or construed in any wise to alter, suspend, relax or repeal any of the clauses, penalties, forfeitures, or punishments contained and enacted in any Act or Acts of Parliament for the suppression or prevention of the Slave-trade; but that all Acts of Parliament, and all clauses, regulations, penalties, forfeitures and punishments therein respectively contained, shall remain in full force and virtue; any thing in this Act contained to the contrary notwithstanding.

And be it further enacted, that if any action or suit shall be commenced, either in Great Britain or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty, or Instructions or Regulations thereto annexed, or of this Act, the Defendant or Defendants in such action or suit may plead the general issue, that this Act as herein recited and the special matter in evidence, was not lawfully made, or that the same was done in pursuance of the said Treaty, Instructions, or Regulations, or of this Act; and if it shall appear so to have been found by the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his action after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff by verdict or demurrer against the Defendant or Defendants shall recover treble costs, and have the like remedy for the same as the Defendants have in other cases by Law.

*LOI de France, sur les Finances.—15 Mai, 1818.**A Paris, le 15 Mai, 1818.*

LOUIS, par la grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, Salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

TITRE I.—Fixation de l'Arrière.

ART I. Le montant des Créances de 1801 à 1810, restant à ordonner au 1er Octobre, 1817, est limité, sauf les réductions qui pourront avoir lieu par suite des liquidations, à la somme de 61,780,000 francs.

Un crédit provisoire de 2,000,000 de rentes, 5 pour cent. consolidés, est mis à la disposition du Ministre des Finances, pour l'inscription de ces créances au Grand-livre.

Il sera rendu compte de l'emploi de ce crédit à la prochaine Session.

II. Le montant des Créances de 1810 à 1816, restant à acquitter à ladite époque du 1er Octobre, est limité, et sauf aussi l'effet des liquidations, à la somme de 297,630,000 francs.

TITRE II.—Des Exercices 1815, 1816 et 1817.

III. Il ne sera statué qu'à la Session prochaine sur les changemens survenus, depuis la Loi du 25 Mars, 1817, dans les Recettes et Dépenses de l'Exercice, 1815.

IV. Il est accordé sur le Budget de l'Exercice, 1816, au-delà des crédits fixés par la Loi du 25 Mars, 1817, les supplémens ci-après :

Au Ministre des Affaires Etrangères, pour dépenses extraordinaires	<i>Francs.</i> 2,180,000
Au Ministre de la Guerre, pour frais de l'Armée d'Occupation	8,350,000
Au Ministre des Finances, pour frais de Négociations	4,442,780

TOTAL.....Francs... 14,972,780

Ces supplémens seront prélevés sur les excédans de Recettes appartenant à l'Exercice, 1816.

V. Il n'est rien innové jusqu'à la Session prochaine au Budget de l'Exercice, 1817, qui reste fixé tel qu'il l'a été par la Loi du 25 Mars de ladite année.

TITRE III.—Fixation des Budgets de 1818.

VI. Le Budget particulier de la Dette Consolidée et de l'Amortissement est fixé, pour 1818, à la somme totale de 180,782,000 francs, tant en Recettes qu'en Dépenses, conformément à l'Etat A ci-annexé.

VII. Le Budget des Dépenses Ordinaires, pour l'année, 1818, est fixé à la somme de 616,112,271 francs.

Ladite somme sera répartie entre les divers Services et Ministères, conformément à l'Etat B ci annexé, savoir :

Pour dépenses permanentes.....	530,525,906
Pour dépenses temporaires	85,586,365

Total égal..... *Francs* 616,112,271

VIII. Le Budget des Dépenses Extraordinaires de 1818 est fixé à la somme de 301,468,422 francs, conformément à l'Etat C. ci-annexé.

IX. Les dépenses portées aux 3 Budgets mentionnés dans les articles ci-dessus, forment ensemble un total de 1,098,362,693 francs, seront acquittées sur les recettes ordinaires et extraordinaires de l'année 1818, conformément à l'Etat ci-annexé.

X. Les dépenses des Administrations et Régies ne pourront excéder les sommes portées en masse dans les Budgets cotés A et B, sous peine de responsabilité par le Ministre de qui dépendent lesdites Régies ou Administrations, et conformément à l'Article CLI de la Loi du 25 Mars, 1817.

TITRE IV.—*Dispositions sur les Pensions.*

XI. Les dispositions de l'Article XXIII de la Loi du 25 Mars, 1817, qui interdisent aux Ministres de faire payer aucune pension sur les fonds de leurs Départemens, sont applicables à toutes celles qui existaient ou seraient créées sous la dénomination de *traitemens conservés*, et sous quelque autre que ce soit.

XII. Les pensions des Vicaires Généraux, Chanoines, celles des Curés de Canton Septuagénaires, et celles dont les Chevaliers de Malte présens à la Capitulation de l'Ile jouissent en vertu de cette capitulation, pourront se cumuler avec un traitement d'activité, pourvu que la pension et le traitement ne s'élèvent pas ensemble à plus de 2,500 francs.

Les pensions des Académiciens et Hommes de Lettres attachés à l'Instruction Publique, à la Bibliothèque du Roi, à l'Observatoire ou au Bureau des Longitudes, pourront (lorsqu'elles n'excéderont pas 2,000 francs, et jusqu'à concurrence de cette somme, si elles l'excédaient) se cumuler avec un traitement d'activité, pourvu que la pension et le traitement ne s'élèvent pas ensemble à plus de 6,000 francs.

XIII. Pourront également se cumuler les pensions et traitemens de toute nature qui, réunis, n'excéderaient pas 700 francs, et seulement jusqu'à concurrence de cette somme.

Sont spécialement exceptées de la disposition des Lois prohibitives 1817—18.]

du cumul, les pensions ci-après accordées avec faculté expresse du cumul, savoir : celle de 6,000 francs au Sieur Gayant, Inspecteur du Corps Royal des Ponts-et-Chaussées ; celle de 4,000 francs au Sieur Jaubert, Professeur à la Bibliothèque Royale ; et celle de 3,000 francs au Sieur Larrey, Chirurgien en Chef de l'Hospice de la Garde Royale.

XIV. Tout Pensionnaire sera tenu de déclarer dans son Certificat de Vie, qu'il ne jouit d'aucun traitement, sous quelque dénomination que ce soit, ni d'aucune autre pension ou solde de retraite, soit à la charge de l'Etat, soit sur les fonds de la Caisse des Invalides de la Guerre ou de celle de la Marine, sauf les cas d'exceptions déterminées par les Articles qui précèdent, et par l'Article XXVII de la Loi du 25 Mars, 1817, relatif aux pensions de retraite pour services militaires.

XV. Ceux qui, par de fausses déclarations, ou de quelque manière que ce soit, auraient usurpé plusieurs pensions ou un traitement avec une pension, seront rayés de la liste des Pensionnaires. Ils seront, en outre, poursuivis en restitution des sommes indûment perçues.

XVI. Les pensions de retraite accordées aux Employés des divers Ministères ou Administrations, relativement auxquelles il a été ordonné, par l'Article XXIX de la Loi du 25 Mars, qu'elles seraient portées temporairement au Budget de l'Etat, seront payées sur le fonds spécial des retenues qui ont lieu dans chaque Ministère ou Administration.

XVII. La somme de 550,000 francs actuellement disponible sur celle de 3,000,000 à laquelle le fonds permanent des pensions civiles a été fixé, sera réunie au crédit extraordinaire de 1,066,500 francs, ouvert par la Loi du 25 Mars, 1817, pour suppléer temporairement à l'insuffisance des fonds de retenue affectés aux pensions des Ministères et Administrations. Ce fonds de 1,066,500 francs sera augmenté d'une somme de 342,000 francs, et porté à celle de 1,408,500 francs.

XVIII. Le fonds supplétif des fonds de retenue portés par le résultat de l'Article ci-dessus à la somme totale de 1,958,500 francs, décroîtra d'un 20ème par année, de sorte qu'après 20 ans il n'en soit plus rien payé.

XIX. En conséquence, il ne pourra, à l'avenir, être accordé de nouvelles pensions civiles, à la charge de l'Etat, que jusqu'à concurrence du montant des extinctions successives de celles actuellement accordées, montant à 2,450,000 francs, et du 20ème de la somme de 550,000 francs, lequel accroitra chaque année au fonds ci-dessus de 2,450,000 francs, jusqu'à ce qu'il ait atteint sa fixation de 3,000,000 francs, dans aucun cas, ne pourra être dépassée.

XX. Il est défendu d'augmenter, de toute autre manière qu'en vertu d'une Loi, le produit des fonds de retenue des Ministères ou

Administrations, par des prélèvements sur les fonds généraux, ou sur les produits de ces Ministères et Administrations, de quelque nature qu'ils soient.

Néanmoins, sur le fonds attribué au service ordinaire des affaires étrangères, il pourra être employé jusqu'à concurrence de 200,000 francs en traitemens d'Agens Diplomatiques dont l'activité est temporairement suspendue.

XXI. Les demi-soldes des Officiers qui, aux termes des Lois et Réglemens militaires, sont ou seront dans le cas d'être admis à la retraite, pourront être converties en soldes de retraite, lesquelles seront payées sur le fonds des demi-soldes, en attendant qu'elles puissent être inscrites au Trésor, dans l'ordre et les proportions déterminés par les Articles XXX et XXXII de la Loi du 25 Mars, 1817.

Il pourra être également accordé aux Officiers en non activité qui sortent volontairement, dans les 6 mois de la publication de la présente Loi, leur renonciation au service, des traitemens de réforme dont la durée sera fixée proportionnellement au temps de leur service, et qui seront payés jusqu'à extinction sur le fonds des demi-soldes.

Ces soldes de retraite et traitemens de réforme pourront être cumulés avec un traitement civil.

Indépendamment des Etats prescrits par l'Article XXXVI de la Loi du 25 Mars, 1817, le Ministre de la Guerre présentera, chaque année, le Tableau nominatif des Officiers qui, portés dans l'état des demi-soldes, et y ayant droit, se trouveront dans les cas prévus par le présent Article, de manière que le mouvement décroissant du fonds des demi-soldes puisse toujours être suivi.

XXII. Les comptes et la situation de la caisse des Invalides de la Guerre, et de celle des Invalides de la Marine, dans toutes leurs parties, seront présentés aux Chambres à leur première Session.

XXIII. Le crédit du Ministre de la Marine sera augmenté pour 1818, d'une somme de 700,000 francs, pour subvenir, jusqu'à concurrence de l'insuffisance des ressources de la Caisse des Invalides, au paiement des pensions résultant des réformes opérées dans ce Département.

TITRE V.—*Contributions Directes de 1818.*

XXIV. La contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres, et les patentes, seront perçues, pour 1818, en principal, sur le même pied qu'en 1817.

XXV. Les centimes additionnels, tant ordinaires qu'extraordinaires, à percevoir en 1818 sur les 4 contributions directes, sont fixés ainsi qu'il suit :

2 X 2

	ORDINAIRE.	TEMPORAIRE.
	Centimes.	Centimes.
Sur le principal de la contribution foncière, 50 centimes ; savoir	20	30
Sur le principal de la contribution personnelle et mobilière, 50 centimes	50	0
Sur le principal de la contribution des portes et fenêtres, 100 centimes	10	90
Sur le principal de celle des patentes, 5 centimes	5	0

XXVI. Les fonds de non-valeurs, pour le même Exercice 1818, sont fixés aux taux suivans :

Sur la contribution foncière, 2 centimes ;

Sur la contribution personnelle et mobilière, 2 centimes ;

Sur la contribution des portes et fenêtres, 10 centimes ;

Et sur les patentes, 15 centimes.

XXVII. Les dispositions des Loix qui ordonnent, sur le produit des patentes, un prélèvement de 10 centimes, dont 2 pour confection de rôles, et 8 attribués aux Communes, sont maintenues.

XXVIII. La répartition de la contribution foncière et de la contribution personnelle et mobilière entre les Départemens, sera faite conformément aux Tableaux annexés à la présente Loi.

La répartition entre les Arrondissemens sera faite par les Conseils Généraux de Département, et celle entre les Communes par les Conseils d'Arrondissement.

XXIX. La répartition de la contribution des portes et fenêtres entre les Départemens sera faite conformément au Tableau annexé à la présente Loi : celle entre les Arrondissemens par les Préfets, et celle entre les Communes par les Sous Préfets, comme précédemment.

XXX. Les traitemens fixes et remises des Receveurs Généraux et des Receveurs Particuliers, ainsi que les remises des percepteurs, seront imposés en sus dans les rôles des 4 contributions.

XXXI. Il sera aussi, comme précédemment, imposé en sus 5 centimes au principal de la contribution foncière et de la contribution personnelle et mobilière, pour subvenir aux dépenses des Communes, à l'exception de celles qui auront déclaré que cette contribution leur est inutile.

XXXII. Les redevances sur les Mines continueront à être perçues comme par le passé.

XXXIII. Le montant de la contribution foncière mise par des rôles particuliers, en 1817, sur les Bois qui ont cessé, à quelque titre que ce soit, de faire partie du domaine de l'Etat, sera, pour 1818, ajouté au contingent de chaque Département, de chaque Arrondissement et de chaque Commune.

XXXIV. Les Bois qui n'auraient pas été compris dans les rôles particuliers de 1817, et qui cesseraient ultérieurement de faire partie du domaine de l'Etat, seront, d'après une matrice particulière, rédigée dans la forme accoutumée, cotisés comme les autres bois de même nature, ou, s'il n'en existait pas, comme ceux qui se trouveraient dans les Communes les plus voisines.

XXXV. A l'égard des propriétés de toute nature qui, ayant appartenu à des particuliers, passent dans le Domaine de l'Etat ou sont entrées dans la dotation de la Couronne, et deviennent, à ce titre, libres de la contribution foncière, les Communes où elles sont situées seront dégreivées de la contribution jusqu'à concurrence de la part que lesdites propriétés prenaient dans leur matière imposable.

XXXVI. Les Lois sur le Cadastre continueront d'être exécutées.

XXXVII. Conformément à la Loi du 15 Septembre, 1807, la masse des contingens actuels, pour la contribution foncière des Communes composant un Canton définitivement cadastré, sera répartie entre elles au prorata de leur allivrement cadastral. Cette disposition est applicable à tous les Cantons cadastrés d'un même Arrondissement. En conséquence, la masse des contingens actuels sera répartie entre ces Cantons, à partir de 1819, au prorata de leur allivrement cadastral.

XXXVIII. Il sera présenté, dans la prochaine Session des Chambres, un nouveau projet de répartition de la contribution foncière entre les Départemens; les bases de cette nouvelle répartition seront les résultats déjà obtenus par le Cadastre, les notions fournies par la comparaison des baux, des ventes faites dans diverses localités, et enfin tous les autres renseignemens qui sont au pouvoir de l'Administration et qui tendent à faire connaître l'étendue du territoire ou la matière imposable en chaque Département.

XXXIX. Dans le cas où, les 5 centimes additionnels imposés pour les dépenses des Communes étant épuisés, une Commune aurait à pourvoir à une dépense véritablement urgente, le Maire, sur l'autorisation du Préfet, convoquera le Conseil Municipal et les plus forts contribuables aux rôles de la Commune, en nombre égal à celui des membres de ce Conseil, pour reconnaître l'urgence de la dépense, l'insuffisance des revenus municipaux et des 5 centimes ordinaires pour y pourvoir.

XL. Lorsque les plus forts Contribuables seront absens, ils seront remplacés en nombre égal par les plus forts Contribuables portés après eux sur le rôle.

XLI. Le Conseil Municipal, auquel, aux termes de l'Article XXIX, auront été adjoints les plus forts Contribuables, votera sur les centimes extraordinaires proposés. Dans le cas où ils seraient consentis, la délibération sera adressée au Préfet, qui, après l'avoir revêtue de son autorisation, la transmettra au Ministre Secrétaire

d'Etat de l'Intérieur, pour y être définitivement statué par une Ordonnance du Roi.

XLII. Il sera pourvu, dans les formes prescrites par les Articles précédens, aux dépenses extraordinaires communes à plusieurs Municipalités du Département et dans leur intérêt. La répartition en sera faite d'après les délibérations des Conseils Municipaux, formés, comme ci-dessus, par l'adjonction des plus forts Contribuables, dûment approuvée par le Préfet, et, sur le Rapport du Ministre Secrétaire d'Etat de l'Intérieur, par une Ordonnance du Roi.

XLIII. A partir du jour de l'Ouverture de la Session prochaine, les Villes dont les revenus excèdent 100,000 francs, ne pourront faire aucun emprunt ni imposer aucune contribution extraordinaire qu'en vertu d'une Loi, si ce n'est pour des cas urgens, dans l'intervalle des Sessions, et sans que ces emprunts ou ces contributions puissent excéder la quart de leur revenus.

Ces Villes sont dispensées des adjonctions prescrites par l'Article **XXXIX.**

XLIV. Les Budgets desdites Villes, et les comptes de leurs recettes et dépenses, tant ordinaires qu'extraordinaires, seront annuellement rendus publics en chacune desdites Villes par la voie de l'impression.

XLV. Il sera présenté dans chaque Session des Chambres un Tableau détaillé des emprunts qui auront été autorisés et des contributions extraordinaires qui auront été imposées en conformité des Articles précédens : ce Tableau indiquera les motifs qui auront rendu lesdits emprunts et impositions nécessaires, la date des Lois ou Ordonnances qui les auront autorisés, leur montant ou le nombre des centimes, leur produit et leur emploi.

XLVI. Dans aucun cas et sous aucun prétexte, il ne pourra être fait, au profit du Trésor, aucun prélèvement sur les centimes ordinaires, extraordinaires ou facultatifs des Communes, ni sur leurs autres revenus, à l'exception,

1. Du 10ème du produit net des octrois, ordonné par l'Article **CLIII** de la Loi du 28 Avril, 1816.

2. Des dépenses du casernement et des lits militaires, qui ne pourront, dans aucun cas, s'élever, par chaque année, au-dessus de 7 francs par homme, et 3 francs par cheval, pendant la durée de l'occupation : au moyen de quoi les réparations et loyers des casernes et des tous autres Bâtimens ou Etablissemens Militaires, ainsi que l'entretien de la literie et l'occupation des lits militaires, seront à la charge du Gouvernement.

XLVII. Il continuera d'être fait déduction, sur le produit net des octrois et avant le prélèvement du 10ème ci-dessus, du montant des sommes que les Communes auront à payer annuellement en capital et intérêts pour dettes arriérées constituées en 1813, 1814 et 1815, et causées par les levées extraordinaires de Troupes ou les charges de

invasion, pourvu toutefois que, pour l'acquittement de ces dettes, il ait été créé des taxes additionnelles d'octroi.

XLVIII. Le remplacement du montant de la contribution personnelle et mobilière des Villes ayant un octroi pourra être opéré, en 1818, par une perception sur les consommations, d'après la demande qui en sera faite aux Préfets par les Conseils Municipaux.

Le mode de perception, pour remplacement, sera réglé par des Ordonnances du Roi.

XLIX. Les demandes en décharge et réduction, remise et modération sur les contributions foncière, personnelle et mobilière, portes et fenêtres, et patentes, continueront d'être instruites et jugées comme précédemment.

L. Chaque avertissement donné au Contribuable énoncera en détail le montant de ce qu'il doit payer, tant en principal qu'en accessoires et centimes additionnels dans les contributions foncière, personnelle et mobilière, portes et fenêtres, et patentes, la Loi ou l'Ordonnance en vertu desquelles lesdites contributions sont établies, et les termes dans lesquelles elles doivent être acquittées.

LI. Le premier avertissement sera rédigé à mesure que les rôles se confectionneront, et adressé en même temps que l'ordre pour la publication de ces rôles, pour être remis à chaque Contribuable, moyennant 5 centimes pour les frais d'impression et des remises.

Indépendamment de cet avertissement, le perceuteur sera tenu de délivrer *gratis* une sommation 8 jours avant le premier acte qui doit donner lieu à des frais.

Les Préfets seront autorisés à faire des réglemens sur les frais de contraintes, garnisaires, commandemens, et autres poursuites en matière de contributions directes, à la charge néanmoins que les réglemens ne pourront être exécutées qu'après avoir reçu l'autorisation du Gouvernement.

LII. Les Négocians, les Armateurs pour le long cours et pour le grand cabotage, les Commissionnaires de marchandises en gros, paieront le droit fixe de patente, d'après les fixations suivantes: *Fr.*

Dans les Villes de 50,000 âmes et au-dessus, ci 300

Dans les Villes de 30 à 50,000 âmes et dans les Ports de Mer

qui, ayant un entrepôt réel, n'ont pas une population de 50,000... 200

Dans toutes les autres Communes. 150

LIII. Le droit fixe établi par l'Article XXXIII de la Loi du 1er. Brumaire, An VII, sur les Fabricans qui n'entretiennent pas plus de 5 métiers, sera le même pour les Fabricans qui en entretiennent un plus grand nombre, sauf l'augmentation suivante par chaque métier excédant le nombre de 5, savoir :

Pour les métiers d'une largeur au-dessus d'un mètre 4fr.

Pour les métiers d'un mètre et au-dessous..... 2

Le tout jusqu'au *maximum* de 300 fr., qui ne pourra être dépassé.

Les ouvriers à métier qui travaillent chez eux pour le compte des

Fabricans et Marchands-fabricans en gros ou en détail, ne seront point assujettis à la patente, s'ils n'entretiennent qu'un métier, et s'ils déclarent le nom et la demeure du Fabricant ou Marchand-fabricant pour lequel ils travaillent.

Les autres dispositions de l'Article XXXIII de la Loi du 1er Brumaire, An VII, à l'égard des Fabricans qui travaillent par eux-mêmes, sans employer d'Ouvriers, continueront à être exécutées.

LIV. Les Filateurs de coton et de laine paieront un droit fixe de 15 francs, quelle que soit la population du lieu de leur domicile, lorsqu'ils n'emploieront pas plus de 500 broches, non compris celles des bellys et autres métiers préparatoires.

Ils paieront, en outre, un droit de 3 francs par chaque 100 broches excédant le nombre de 500, jusqu'au *maximum* de 300 francs, qui ne pourra pas être dépassé. Lesdits Filateurs continueront à être assujettis au paiement du droit proportionnel.

LV. Les Fabricans et Marchands-fabricans qui occupent ou entretiennent plus de 5 métiers, seront tenus de faire, devant le Maire de la Commune de leur domicile, la déclaration du nombre de Metiers qu'ils occupent ou entretiennent habituellement, soit chez eux, soit hors de leur domicile.

Les Filateurs seront tenus de faire une semblable déclaration du nombre des broches qu'ils entretiennent habituellement, non compris celles des bellys et autre métiers préparatoires.

LVI. Les déclarations pourront être vérifiées par des Commissaires nommés par les Maires pour les Villes, et par les Sous-préfets pour les Cantons Ruraux. Les Commissaires classeront les Fabricans, les Marchands-fabricans et les Filateurs, soit d'après les déclarations qui auront été faites, soit d'après les autres renseignemens qu'ils auront recueillis.

Les Fabricans et les Filateurs pourront se pourvoir en décharge et modération devant le Conseil de Préfecture du Département.

LVII. Le nombre des Commissaires ne pourra surpasser celui de 6, ni être moindre de 3.

LVIII. Les Fabricans, les Marchands-fabricans et les Filateurs qui déclareront qu'ils se soumettent au *maximum* du droit, seront dispensés de toutes autres déclarations et vérifications.

Ceux qui n'auraient pas fait de déclarations, seront taxés, d'Office, à un droit double de celui auquel il sera estimé qu'ils sont susceptibles d'être assujettis : ce double droit ne pourra toutefois excéder le *maximum*. Ceux qui auraient fait une fausse déclaration, seront taxés au *maximum* du droit, et encourront une amende de 200 francs.

LIX. Le Préfet indiquera l'époque des déclarations et des vérifications, ainsi que le délai dans lequel elles doivent être faites ; elles ne pourront avoir lieu qu'une fois l'an.

LX. Les Teinturiers travaillant pour les Fabricans et pour les Marchands, ou qui teignent les étoffes et les matières premières servant à

fabrication des tissus, les Imprimeurs d'étoffes, les Tanneurs, les Manufacturiers de produits chimiques, les Entrepreneurs de fonderies, de forges, de verreries, d'aciéries, de blanchisseries, de papeteries et de tous autres établissemens industriels, tels qu'ils sont définis par l'Article XXXII de la Loi du 1er Brumaire, An VII, paieront le droit fixe (sans avoir égard à la population de leur Commune) dans les proportions déterminées ci-après :

	<i>Frs.</i>		<i>Frs.</i>
1re. classe.....	300	4me. classe	100
2.	200	5	50
3.	150	6	25

Ils seront classés, savoir : pour les Cantons Ruraux, par les Sous-éfets, après avoir pris l'avis des Maires des Communes où sont situés les établissemens, et celui des Répartiteurs et des Contrôleurs des contributions directes ;

Pour les Villes, par les Maires, après avoir pris l'avis des Répartiteurs et des Contrôleurs des Contributions directes.

Dans les Cantons Ruraux et dans les Villes où, en vertu de l'Article VI, il aura été nommé des Commissaires pour le classement des Fabricans et des Filateurs, ces mêmes Commissaires seront chargés de faire le classement des Entrepreneurs des établissemens industriels compris dans le présent Article.

Les Teinturiers, Imprimeurs d'Etoffes, &c., pourront se pourvoir devant le Conseil de Préfecture du Département, en décharge, modération ou descente de classe.

LXI. Les Patentables qui ont plusieurs établissemens dans diverses Communes, paieront le droit fixe dans le lieu où ce droit est le plus élevé.

LXII. Lorsque, dans une maison de commerce, il y aura plusieurs Associés résidant dans la même Commune, le principal Associé paiera le droit fixe en entier, les autres ne paieront qu'un demi-droit de chacun.

Néanmoins, dans les établissemens de fabrication à métier ou de nature, le droit fixe ne sera payé qu'une seule fois, quel que soit le nombre des Associés.

LXIII. Les Marchands forains avec voiture continueront d'être assujettis à un droit fixe de patente de 80 francs. ;

Les Colporteurs avec chevaux et autres bêtes de somme, à un droit fixe de 60 francs. ;

Les Colporteurs avec balles, soit qu'ils aient ou non domicile, à un droit fixe de 20 francs.

LXIV. Les Marchands forains et Colporteurs désignés dans l'article précédent, seront tenus d'acquitter le montant total de leur patente au moment où elle leur sera délivrée.

LXV. Les Marchands vendant en ambulance, échoppe ou étalage dans les lieux de passage, Places publiques, Marchés des Villes

et Communes, des Marchandises autres que des comestibles, seront pareillement tenus d'acquitter, au moment de la délivrance, le montant total de la Patente à laquelle ils sont assujettis par la disposition finale du nombre 10 de l'Article XXIX de la Loi du 1er. Brumaire, An VII.

Les dénommés aux Articles ci-dessus seront tenus d'exhiber leur Patente acquittée, à toute réquisition des Officiers de Police, des lieux où ils voudront exposer en vente les marchandises dont ils font commerce.

LXVI. Les dispositions de la Loi du 1er. Brumaire, An VII, auxquelles il n'est pas dérogé par la présente Loi, continueront d'être exécutées.

TITRE VI.—*Fonds destinés aux Dépenses Départementales.*

LXVII. Sur les centimes additionnels à la contribution foncière et à la contribution personnelle et mobilière, il sera prélevé 17 centimes pour les Dépenses Départementales, fixes, communes et variables.

LXVIII. Ces centimes seront distribués de la manière suivante :

I. 6 centimes seront versés au Trésor Royal, pour être tenus en totalité à la disposition du Gouvernement, et être employés, sur ses Ordonnances, au paiement des dépenses fixes ou communes à plusieurs Départemens, ci-après désignées, savoir :

Traitemens des Préfets, Sous-Préfets et Conseillers de Préfecture ;

Abonnemens des Préfectures et Sous-Préfectures ;

Travaux et dépenses des Maisons Centrales de Détention, en y comprenant les dépenses des Condamnés à un an et plus d'emprisonnement, qui, existant dans les Prisons Départementales, ne pourraient être admis dans les Prisons de Détention ;

Bâtimens des Cours Royales ;

Travaux aux Eglises et supplément aux dépenses du Clergé, à la charge des diocèses, autres que le personnel des Ministres de la Religion ;

Etablissemens Thermaux et Sautaires ;

Dépenses imprévues, communes à plusieurs Départemens.

2. 6 centimes seront versés dans les Caisses des Receveurs Généraux des Départemens, pour être tenus à la disposition des Préfets, et être employés, sur leurs mandats, aux dépenses variables ci-après, savoir :

Loyers des Hôtels de Préfecture, contributions, acquisitions, entretien et renouvellement du mobilier ;

Dépenses ordinaires des Prisons, Dépôts, secours et ateliers pour remédier à la mendicité ;

Casernement de la Gendarmerie ;

Loyers, mobilier et menues dépenses des Cours et Tribunaux ;

Compagnies Départementales ;

Travaux des Bâtimens des Préfectures, Tribunaux, Prisons, Dépôts, Casernes et autres Edifices Départementaux ;

Travaux des Routes Départementales et autres d'intérêt local, non compris au Budget des ponts-et-chaussées ;

Enfans trouvés et abandonnés, sans préjudice du concours des Communes, à la charge de rendre compte de leurs contributions pour cet objet ;

Encouragemens et secours pour les Pépinières, Sociétés d'Agriculture, Artistes Vétérinaires, Cours d'Accouchement et autres ;

Dettes Départementales à payer en numéraire, indemnités de terrains, acquisitions ;

Dépenses imprévues de toute nature, &c.

Les dépenses variables ci-dessus seront établies dans un Budget dressé par le Préfet, voté par le Conseil Général, et définitivement approuvé par le Ministre de l'Intérieur.

Les 5 centimes restans seront versés au Trésor Royal, pour, à titre de fonds commun, être tenus en totalité à la disposition du Ministre Secrétaire d'Etat de l'Intérieur, et venir au secours des Départemens dont les dépenses variables excéderont le produit des 6 centimes ordinaires ci-dessus.

LXIX. Indépendamment des 17 centimes qui devront être prélevés, aux termes des Articles précédens, sur les centimes additionnels aux contributions foncière, personnelle et mobilière, il sera affecté aux dépenses Départementales fixes ou communes à plusieurs Départemens, désignées par le § 1er de l'Article précédent, un supplément de 2,200,000 francs, provenant de l'abandon de 3,000,000 fait par le Roi et par la Famille Royale ; laquelle somme de 2,200,000 francs sera employée à des travaux d'utilité publique et de bienfaisance, et notamment aux dépenses des Prisons, auxquelles ne pourraient suffire, en 1818, les 6 centimes affectés aux dépenses fixes ou communes de plusieurs Départemens.

LXX. Les Conseils Généraux de Département pourront, en outre, et sauf l'approbation du Gouvernement, établir, pour les dépenses d'utilité Départementale, des impositions dont le montant ne pourra excéder 5 centimes du principal des contributions foncière, personnelle et mobilière de 1818, et dont l'allocation sera toujours conforme au vote du Conseil-Général.

LXXI. Les produits de ces contributions locales extraordinaires seront recouvrés par les Receveurs des contributions directes, et versés dans les Caisses des Receveurs Généraux de Département, qui les tiendront à la disposition des Préfets, pour être employés conformément aux votes des Conseils Généraux, approuvés par le Gouvernement.

TITRE VII.—Droit d'Enregistrement et de Timbre.

LXXII. Les droits d'enregistrement, de timbre, de greffe, d'hy-

pothèque, de passe-port et permis de port d'armes, et le décime pour franc sur ceux de ces droits qui n'en sont pas affranchis, continueront d'être perçus conformément aux Lois, Ordonnances, Réglemens et Décrets existans, sauf les modifications ci-après.

LXXIII. Ne seront sujets qu'au droit fixe de 1 franc d'enregistrement,

1. Les adjudications au rabais et marchés pour constructions, réparations, entretien, approvisionnemens et fournitures dont le prix doit être payé directement ou indirectement par le Trésor Royal :

2. Les cautionnemens relatifs à ces adjudications et marchés.

LXXIV. Le droit d'enregistrement des ventes d'objets mobiliers, fixé à 2 pour cent par l'Article LXIX de la Loi du 22 Frimaire, An VII, est réduit à 50 centimes par 100 francs pour les ventes publiques de marchandises qui, conformément au Décret du 17 Avril, 1812, seront faites à la Bourse et aux enchères, par le Ministère des Courtiers de Commerce, d'après l'autorisation du Tribunal de Commerce.

LXXV. Pour les rentes et les baux stipulés payables en quantité fixe de grains et denrées dont la valeur est déterminée par des mercuriales, et pour les donations entre-vifs et les transmissions par décès de biens dont les baux sont également stipulés payables en quantité fixe de grains et denrées dont la valeur est également déterminée par des mercuriales, la liquidation du droit proportionnel d'enregistrement sera faite d'après l'évaluation du montant des rentes ou du prix des baux résultant d'une année commune de la valeur des grains ou autres denrées, selon les mercuriales du marché le plus voisin.

On formera l'année commune d'après les 14 dernières années antérieures à celle de l'ouverture du droit : on retranchera les deux plus fortes et les deux plus faibles ; l'année commune sera établie sur les 10 années restantes.

LXXVI. A compter du 1er Juillet prochain, le papier pour affiches, avis ou annonces, ne sera plus fourni par la régie de l'enregistrement.

Conformément à l'Article LVIII de la Loi du 30 Septembre, 1797 (9 Vendémiaire, An VI), les Particuliers feront timbrer le papier dont ils voudront faire usage.

Ils acquitteront le droit réglé par les Articles LXV, LXVI et LXVII de la Loi du 28 Avril, 1816.

Le papier sera présenté au timbre avant l'impression, sous les peines portées par l'Article LXIX de cette dernière Loi.

Néanmoins la disposition de l'Article LXXVII de la Loi du 25 Mars, 1817, qui défend de se servir, pour les affiches, de papier de couleur blanche, et qui prononce une amende de 100 francs contre l'Imprimeur, en cas de contravention, est et demeure maintenue.

LXXVII. Seront exemptes du droit proportionnel établi par l'Article XXXV de la Loi du 28 Avril, 1816, les Lettres-patentes de dispense d'âge pour mariage, délivrées aux personnes reconnues indi-

entes: Dans ce cas, la formalité de l'enregistrement sera donnée *gratis*.

Seront également enregistrés *gratis* les actes de reconnaissance d'Enfants naturels appartenant à des Individus notoirement indigens.

LXXVIII. Demeurent assujettis au timbre et à l'enregistrement la minute, dans le délai de 20 jours, conformément aux Lois existantes,

1. Les actes des Autorités Administratives et des Etablissements publics portant transmission de propriété, d'usufruit et de jouissance; les adjudications ou marchés de toute nature, aux enchères, au rabais et sur soumission;

2. Les cautionnemens relatifs à ces actes.

LXXIX. La disposition de l'Article XXXVII de la Loi du 12 Décembre, 1798 [22 Frimaire, An VII] qui autorise, pour les adjudications en séance publique seulement, la remise d'un Extrait au Receveur de l'enregistrement pour la décharge du Secrétaire, lorsque les Parties n'ont pas consigné les droits en ses mains, est étendue aux autres actes ci-dessus énoncés.

LXXX. Tous les actes, arrêtés et décisions des Autorités Administratives, non dénommés dans l'Article LXXVIII, sont exempts du timbre sur la minute, et de l'enregistrement, tant sur la minute que sur l'expédition. Toutefois, aucune Expédition ne pourra être délivrée aux Parties que sur papier timbré, si ce n'est à des Individus indigens, et à la charge d'en faire mention dans l'Expédition.

LXXXI. L'exemption prononcée par l'Article précédent est applicable aux actes des Autorités Administratives antérieurs à la publication de la présente.

Il est fait remise des doubles droits et amendes encourus pour contravention aux Lois du timbre et de l'enregistrement, à raison des actes dénommés dans ledit Article et antérieurs à ladite publication.

LXXXII. Les seuls actes dont il devra être tenu répertoire sur papier timbré dans les Préfectures, Sous-préfectures et Mairies, et dont les préposés pourront demander communication, sont ceux dénommés dans l'Article LXXVIII de la présente Loi.

LXXXIII. L'exemption du timbre, portée en l'Article LXXVI de la Loi du 25 Mars, 1817, en faveur des annonces, prospectus et catalogues de Librairie, est étendue aux annonces, prospectus et catalogues d'objets relatifs aux sciences et arts.

TITRE VIII.—*Contributions Indirectes.*

LXXXIV. Les Lois des 28 Avril 1816, et 25 Mars, 1817, continueront d'être exécutées en ce qui concerne les contributions indirectes jusqu'au 1er Avril, 1819.

Néanmoins les boissons expédiées par un Détenteur non entrepositaire d'une de ses caves situées dans des lieux sujets aux droits d'entrée

dans un autre domicile, seront accompagnées d'un acquit-à-caution, en franchise de droit.

LXXXV. Ne seront point assujettis aux droits de circulation établis par l'Article LXXXII de la Loi du 25 Mars, 1817, les vins et cidres expédiés pour la Ville de Paris.

TITRE IX.—*Divers Droits et Perceptions.*

LXXXVI. Les dispositions des Lois auxquelles il n'est pas dérogé par la présente, et qui régissent actuellement les perceptions des droits de douane, y compris celui sur les sels, des postes, des loteries, du 10ème des billets d'entrée dans les spectacles et d'un quart de la recette brute dans les lieux de réunion et de fête où l'on est admis en payant, et d'un décime pour franc sur ceux de ces droits qui n'en sont point affranchis, sont et demeurent maintenues.

LXXXVII. Continueront pareillement d'être perçus, comme par le passé, les droits établis par l'Article XVI des Lettres-patentes du 10 Février, 1780, et par l'Arrêté du 25 Thermidor, An XI, pour frais de visite chez les pharmaciens, droguistes et apothicaires.

LXXXVIII. Seront aussi perçues, comme par le passé, les diverses rétributions imposées, en faveur de l'Université, sur les établissemens particuliers d'Instruction et sur les Elèves qui fréquentent les écoles publiques.

LXXXIX. Indépendamment du droit de timbre auquel les journaux sont assujettis par la Loi du 28 Avril, 1816, il continuera d'être perçu 1½-centime par feuille sur ceux imprimés à Paris, et ½ centime sur ceux imprimés dans les Départemens.

Le produit de ce droit sera partie des recettes générales de l'Etat.

Les journaux ne seront assujettis à aucune autre taxe ou rétribution, sous quelque dénomination que ce puisse être.

XC. Continueront également d'être perçues les contributions spéciales destinées soit aux frais des bourses de commerce, conformément à la Loi du 28 Ventôse, An IX, soit à ceux des chambres de commerce assimilés aux frais desdites bourses, ainsi que les revenus spéciaux qui seraient attribués auxdites chambres de commerce et aux établissemens sanitaires.

XCI. Le Gouvernement continuera, pendant une année, d'être autorisé, conformément à la Loi du 14 Floréal, An X, à établir des droits de péage dans les cas où ils seront reconnus nécessaires pour concourir à la construction ou à la restauration des ponts, écluses et ouvrages d'art à la charge de l'Etat, des Départemens et des Communes : il en fixera les Tarifs et le mode de perception, et en déterminera la durée dans la forme usitée pour les réglemens d'Administration Publique.

XCII. Continueront d'avoir lieu, pour l'année 1818, les retenues proportionnelles sur les traitemens, remises, salaires et pensions, qui

ont été prescrites par les Articles LXXVIII et LXXIX de la Loi du 28 Avril, 1816, et par l'Article CXXXVII de la Loi du 25 Mars, 1817.

XCIII. Seront néanmoins exceptés de ladite retenue les traitements des Agens extérieurs du Ministère des Affaires Etrangères, pendant leur résidence hors du Royaume.

XCIV. Toutes contributions directes ou indirectes, autres que celles autorisées ou maintenues par la présente Loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine, contre les Autorités qui les ordonneraient, contre les Employés qui confectionneraient les rôles et tarifs, et ceux qui en auraient le recouvrement, d'être poursuivis comme Concussionnaires ; sans préjudice de l'action en répétition, pendant les 3 années, contre les Receveurs, Percepteurs ou Individus qui auraient fait la perception, sans que, pour exercer cette action devant les Tribunaux, il soit besoin d'une autorisation préalable ; sans préjudice de l'exécution des Articles IV et VI de la Loi du 28 Avril, 1816, relatifs aux contributions extraordinaires pour remboursement des dépenses de l'Occupation militaire de 1815.

TITRE X.—*Domaine Extraordinaire.*

XCV. Le Domaine extraordinaire fait partie du Domaine de l'Etat.

Les dotations et majorats qui, en vertu de leur concession, sont reversibles au Domaine extraordinaire, seront dans les cas prévus par ses Statuts et Décrets, retour au Domaine de l'Etat.

Il sera pris possession, au nom de l'Etat, par la régie de l'enregistrement, de l'actif du Domaine extraordinaire. Elle recevra le compte de l'actif *actuellement* existant dans la caisse de ce Domaine, et fera verser à la caisse des dépôts et consignations la somme restée sans emploi au moment de l'établissement de ce compte.

XCVI. La régie poursuivra le recouvrement des créances du Domaine extraordinaire ; elle en percevra les revenus, et elle mettra en vente, en la forme usitée pour l'aliénation des Domaines nationaux, les biens-fonds et maisons non affectés à des dotations. Le produit de ces recouvrements et de ces ventes sera également versé à la caisse des dépôts et consignations, pour être employé à des achats de rentes au grand livre.

XCVII. Il sera dressé un état des Donataires et de leurs Veuves, divisé par classes. Cet état présentera, 1°. le nom de chaque Donataire ; 2°. le titre auquel la dotation lui a été accordée, soit avant, soit depuis le 1er Avril, 1814 ; 3°. le montant de cette dotation ; 4°. et, à l'égard des Veuves, les pensions auxquelles chacune d'elles pourrait prétendre.

Cet état sera distribué aux Chambres dans la prochaine Session.

XCVIII. Dans l'intervalle des 2 Sessions, il pourra être accordé aux Donataires des 4e, 5e, et 6e Classes, aux Donataires amputés, aux Donataires orphelins qui ont perdu leur Dotations, à ceux des

Militaires des Armées Royales de l'Ouest et du Midi, amputés ou mis hors de service, qui ont été assimilés aux susdits Donataires par les Articles III et VI de l'Ordonnance du 22 Mai, 1816, et aux Veuves, ainsi qu'aux Vétérans des Camps d'Alexandrie et de Juliers, un secours proportionné au fonds disponible, et qui ne pourra excéder la moitié des dotations pour la 6e Classe, le quart pour les autres Classes; et, pour les Veuves, un semestre de leurs pensions. Les Commandans des Camps de Vétérans seront traités, dans la distribution de ce secours, comme les Donataires de 4e Classe, les Officiers comme les Donataires de 5e Classe, et les Sous-Officiers et Soldats comme les Donataires de la 6e Classe.

XCIX. Les détails concernant l'administration du Domaine extraordinaire formeront la matière d'un Chapitre particulier dans le compte annuel de l'Administration des Finances.

TITRE XI.—De l'Emprunt de 1818.

C. Le Ministre des Finances est autorisé à ouvrir des emprunts jusqu'à concurrence de 16,000,000 de rentes, 5 pour cent consolidés, dont le produit sera applicable au service de 1818.

CI. Il sera rendu compte, lors de la présentation du Budget de 1819, de l'emploi de ce crédit.

TITRE XII.—Des Comptes.

CII. Le règlement définitif des Budgets antérieurs sera à l'avenir l'objet d'une Loi particulière qui sera proposée aux Chambres, avant la présentation de la Loi annuelle des Finances. Les comptes prescrits par le Titre XII de la Loi du 25 Mars, 1817 seront joints à cette proposition.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer partout ou besoin sera : car tel est notre plaisir; et afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, le 15 Mai de l'an de grâce 1818, et de notre Règne le 23ème.

LOUIS.

Vu et scellé du Grand Sceau :

Par le Roi :

Le Garde des Sceaux de France,

Le Ministre Secrétaire d'Etat au

Ministère Secrétaire d'Etat au

Département des Finances,

Département de la Justice,

COMTE CORVETTO.

PASQUIER.

ETAT A.—Budget de la Dette Consolidée et de l'Amortissement pour
l'Exercice, 1818.

RECETTES.

	Produits bruts, dont l'Adminis- tration Générale des Finances doit compter annuelle- ment.	Prélèvements, fraix de régie, &c. ordonnés par le Mi- nistre des Finances. [Voyez ses Crédits au Budget Ordinaire.]	Produits nets, affectés spé- cialement au Service de la Dette Publique.
	<i>Francs.</i>	<i>Francs.</i>	<i>Francs.</i>
Droits d'enregistrement, timbre, &c.	157,000,000	13,571,000	143,600,000
Coupes de Bois.....	18,500,000	3,100,000	15,400,000
Postes aux Lettres	21,840,000	9,840,000	12,000,000
Loteries.....	12,300,000	4,300,000	8,000,000
	209,811,000	30,811,000	179,000,000
Complément à fournir par le Budget de l'Ordinaire (sur les produits du Sel)			1,782,000
Vente de hectares de Forêt....			<i>Mémoire.</i>
		<i>France</i>	180,782,000

DEPENSES.

CHAP. I. Annuités non inscrites :

Intérêts imputables à l'Exercice, 1818, des recon- naissances de liquidation, délivrées antérieure- ment au 1er. Novembre, 1817.....	<i>Francs.</i>	<i>Francs.</i>
	4,565,000	
<i>Idem</i> de celles qui seront délivrées postérieure- ment	7,000,000	
		11,565,000

CHAP. II. Service du grand-livre :

5 pour cent inscrits avant le 1er Novembre, 1817.....	120,217,000	
A inscrire et à servir en 1818 :		
1°. Sur le crédit de 2,000,000 de rentes pour solder l'arriéré antérieur à 1810. (<i>Art. 1er de la Loi</i>)	1,000,000	
2°. Sur le crédit de 16,000,000 de rentes pour complément du Budget de l'Ex- traordinaire. (<i>Art. 100 de la Loi.</i>)..	8,000,000	
		129,217,000

CHAP. III.—Dotation de la Caisse d'Amortissement :

Revenu foncier	15,400,000	
Produits indirects.....	24,600,000	
		40,000,000

TOTAL..... *Francs.* 180,782,000

CHAPITRES	PORTION des recettes qui n'est que tem- poraire.	DESIGNATION DES PRODUITS.
	Francs.	PRINCIPAL.
	- -	Foncière - - - - -
	- -	Personnelle et mobilière - - - - -
	- -	Portes et fenêtres - - - - -
		Patentes { 9-10es du principal appartenant au trésor - - - - -
		{ 1-10e aux non valeurs et aux com- munes - - - - -
		50 centimes additionnels sur les contribu- tions foncière, personnelle et mobilière; savoir :
	51,810,986	31 centimes pour supplément aux fonds généraux (dont 80e temporaires sur la foncière).
	- -	11 centimes pour les dépenses départementales fixes et le fonds commun - - -
	- -	6 cent. pour dépenses variables des départemens
	- -	centime pour idem facultatives - -
	- -	2 centimes pour fonds de non-valeurs - -
1. Contribu- tions directes en principal et centimes addition- nels.		100 centimes sur les portes et fenêtres, savoir :
	1,531,350	90 centimes temporaires pour fonds généraux
	- -	10 pour non-valeurs et dégrèvements - -
		15 centimes sur patentes, pour non-valeurs et attributions aux Communes, savoir :
	- -	5 centimes additionnels au principal - -
	- -	10 idem à prendre sur ledit principal - -
		5 centimes ordinaires pour les Communes, sur foncière et mobilière - - - -
	- -	- Centimes extraordinaires pour idem - -
	- -	Centimes (de 1 à 5) sur toutes les contribu- tions en principal et accessoires réunis, pour frais de perception calculés sur les mêmes bases qu'en 1817 - - -
		TOTAL des Contributions Directes -

Ordinaires pour l'Exercice 1818.

Portion des Dépenses qui n'est que tempo- raire.	DESIGNATION DES DEPENSES ET SERVICES.	MONTANT.	TOTAUX.
Frans.		Frans.	Frans.
12,800,000	Arrérages payables en 1818 - - - - -	- - -	12,800,000
-	1. Pensions Civiles (<i>maximum</i> permanent) - - -	3,000,000	60,408,500
1,408,500	2. Supplément au fonds de retraite (réductible d'un vingtième par an) - - - - -	1,408,500	
28,500,000	3. Pensions aux Militaires et à leurs veuves (<i>maxi- mum</i> permanent, 20,000,000) - - -	48,500,000	
7,500,000	4. Pensions Ecclésiastiques, partie extinguisble (le surplus porté au Chapitre IV) - - -	7,500,000	
-	1. Le Roi - - - - -	25,000,000	34,000,000
-	2. La Famille Royale - - - - -	9,000,000	
-	1. Dépenses à ordonnancer par le Ministre de l'In- térieur (y compris 4,000,000 affectés sur le produit des bois) - - - - -	22,000,000	27,000,000
-	2. Pensions Ecclésiastiques tenant lieu de traitem- ent - - - - -	5,000,000	
-	1. Chambre des Pairs - - - - -	2,000,000	2,680,000
-	2. Chambre des Députés - - - - -	680,000	
-	1. Service Ordinaire et fixe - - - - -	15,300,000	17,300,000
-	2. Frais de Justice Criminelle (par évaluation) - - -	2,000,000	
-	1. Service Ordinaire - - - - -	6,500,000	7,650,000
1,150,000	2. Service Extraordinaire - - - - -	1,150,000	
-	1. { Ponts et Chaussées - - - - - 24,500,000f. Divers Services Généraux (y com- pris 740,000 fr. pour les Quinze- vingts, l'Ecole de Mosaique, les Hopitaux, les Prisons, les Mai- sons Gratuites d'Education) - 12,240,000f. }	36,740,000	72,916,800
2,200,000	2. Dépenses des Départemens ordonnancées par le Ministre: Dépenses fixes ou communes à plu- sieurs Départemens: 6 cent. additionnels aux Contribu- tions Foncière et Mobilière - 11,991,800f. Secours extraordinaire accordé par le Roi - - - - - 2,200,000f. Fonds commun pour compléter les Dépenses variables ci-après (5 cent.) - - - - - 9,993,200f. }	24,185,000	
-	3. Fonds des Départemens et des Communes à la disposition des Autorités Locales. Pour Dépenses variables (6 cent. sur Foncière et Mobilière) - - 11,991,800. <i>Id.</i> (Centimes facultatifs) - - - <i>Mémoire.</i> Pour Dépenses Ordinaires des Com- munes (5 cent. sur Foncière et Mobilière) - - - - - <i>Mémoire.</i> <i>Id.</i> Extraordinaires (éventuels) - <i>Mémoire.</i> }	11,991,800	
-	1. Fonds de non-valeurs sur les Contributions Di- rectes: Sur Foncière et Mobilière (2 cent.) 3,997,290f. Sur les Portes et Fenêtres (10 cen- times) - - - - - 1,281,261 Sur les Patentes (15 centimes) - - 2,639,420 }	7,917,971	
-	2. Frais de Perception des Contributions Directes. Traitemens et Remises des Rece- veurs Généraux et Particuliers - 2,700,000f. Remises des Percepteurs - - - 14,500,000 }	17,200,000	

Suite du Budget des

CHAPITRES	Portion des recettes qui n'est que temporaire.	DESIGNATION DES PRODUITS.
	<i>Francs.</i>	
		<i>Report</i> - - -
2. Enregistrement, Forêts, Postes et Loteries.	-	Produits bruts de l'enregistrement et du timbre des domaines et forêts, des postes et de la Loterie. (<i>Voir l'Etat A.</i>) - - - Déduire les produits nets affectés au service de la dette publique, et déjà portés en recette. (<i>Même Etat A.</i>) - - - Reste la portion des produits bruts réservée pour frais de perception et autres. (<i>Voir Chapitre 10 des dépenses</i>) - - -
3. Douanes et Sels.	-	Produits bruts : Des Douanes - - - 60,243,000 Des amendes et confiscations - - - <i>Mémoire</i> Des sels - - - 43,000,000 Déduire la portion du produit net des sels déjà portée en recette à l'Etat A - - - Reste - - -
4. Boissons et Tabacs.	-	Produits bruts : Des droits sur les boissons et autres - - - De la régie des tabacs (non compris les remises aux débiteurs) - - -
5. Poudres et Salpêtres.	-	Produits bruts de la régie des poudres et salpêtres - - - Salines de l'Est (produits nets) - - -
6. Produits divers.	-	Droits sur les journaux, et ferme des jeux - - - Recettes diverses du Trésor (y compris 2,500,000 francs à recevoir à Pondichéry) - - - Abonnement des Villes pour casernement et lits militaires - - -
	500,000	Reste à recouvrer sur les bois vendus en vertu de la Loi du 23 Septembre, 1814 - - -
	2,100,000	<i>Idem</i> sur les biens des Communes vendus. (<i>Loi du 20 Mars, 1813</i>) - - -
7. Recouvrements temporaires.	600,000	Décomptes avec les acquéreurs de biens domaniaux - - -
	2,200,000	Abandon fait par le Roi et les Princes - - -
	11,200,000	Retenues sur les traitemens - - -
	1,200,000	<i>Idem</i> sur les pensions - - -
<i>Francs</i>	81,142,396	TOTAL des Recettes - - -

inaires pour l'Exercice, 1818.

CHAPITRES	Portion des dépenses qui n'est que temporaire.	DESIGNATION DES DEPENSES ET SERVICES.	MONTANT.	TOTAUX.
	France.	<i>Report d'autre part</i> - -	France. - -	France. 234,755,300
		<i>Report</i> - -	25,117,971	
	-	3. Frais de régie, de perception et autres sur les im- pôts et produits indirects. Enregistrement et Timbre (Frais de régie) - - - - - 18,571,000 Forêts (Frais de conservation) - - 5,100,000 Postes (Frais d'administration et de service) - - - - - 9,840,000 Loterie (Frais d'administration et de perception) - - - - - 4,300,000 TOTAL sur les produits affectés à la Dette Publique - - - - - 30,811,000 Douanes et sels (Gardes des frontières, administration et perception) - - 22,943,000 Boissons et Tabacs (Achat de matières, exercices, perception, &c. - - 46,000,000 Poudres et salpêtres (Achat et fabri- cation) - - - - - 4,400,000	104,154,000	160,246,971
	275,000	4. Service général du Ministère (y compris 275,000fr. pour Commission de Liquidation des Créances Françaises et Etrangères, et Bureau de Liquida- tion de l'ancienne Caisse d'Amortissement) - -	11,975,000	
	3,000,000	5. Cadastre - - - - -	3,000,000	
	-	6. Intérêts de cautionnements - - - - -	8,000,000	
	6,000,000	7. Frais de Négociations - - - - -	17,000,000	
	-	1. Service général, y compris l'augmentation de l'ef- fectif, la rectification de la Carte de France, et 1,000,000 pour casernement et lits militaires - -	141,297,135	
		Demi-soldes - - - - - 16,796,625 Soldes de retraite provisoires - - 1,600,000 Anciens traitemens de réforme limités 700,000 Secours aux Militaires, veuves et employés non pensionnés 250,000 2. Secours aux blessés des Armées de l'Ouest - - 250,000 Secours aux réfugiés Etran- gers - - - - - 1,200,000 1,700,000 Dépenses de la liquidation de l'arriéré 656,240	21,452,865	162,750,000
	21,452,865			
	700,000	Service ordinaire, y compris un secours conditionnel de 700,000fr. pour 1818 - - - - -	- -	43,200,000
	-	1. Service général - - - - -	1,000,000	
	-	2. Service particulier - - - - -	2,920,000	
	-	3. Subventions aux Théâtres, aux Ecoles de chant et de déclamation - - - - -	1,540,000	6,160,000
	600,600	4. Secours aux Colons de Saint-Domingue - -	600,000	
France	85,586,865	TOTAL des Dépenses - - -	France. 616,112,271	

RESULTAT.

France.

Les Recettes sont de - - - - - 695,069,975

Les Dépenses, de - - - - - 616,112,271

Excédant, porté à l'Etat C. France 78,957,704

(ETAT C.)

Budget des Recettes et Dépenses extraordinaires de l'Exercice, 1818.

RECETTES.

Excédant des Recettes Ordinaires sur les Dépenses Ordinaires (suivant l'Etat B).....	Francs.	78,957,704
Vente de 16,000,000 de Rentes 5 pour cent jusqu'à concurrence d'un produit net de.....		222,510,718
Total....	Francs	301,468,422

DEPENSES.

OBLIGATIONS ROYALES

émises en vertu de la Loi du 23 Septembre, 1814.

CHAP. I. {	Remboursement de celles à échoir en 1818.....	10,333,950	Francs.	11,468,422
	Intérêts jusqu'au remboursement.....	1,134,472		
II.	Contributions de Guerre (Ministère des Finances) ..			140,000,000
III.	Frais de l'Armée d'Occupation (Ministère de la Guerre)			150,000,000
Total....	Francs			301,468,422

RECAPITULATION DE TOUS LES SERVICES POUR 1818.

	RECETTES.	DEPENSES.
	Francs.	Francs.
Etat A. Dette publique et Amortissement.....	180,782,000	180,782,000
Etat B. Service Ordinaire	695,069,975	616,112,271
Etat C. Dépenses Extraordinaires.....	222,510,718	301,468,422
Total....	Francs 1,098,362,693	1,098,362,693

Nota.—La demande du Gouvernement était, d'après les Budgets des Ministères, de..... 993,244,022
 La Chambre des Députés s'est prononcée pour une réduction de .. 16,235,329

Il n'a été voté pour lesdits Budgets Ministériels que..... 977,008,693
 Cette somme de 977,008,693 francs, se trouve, dans l'Etat ci-dessus, augmentée des frais de perception et de ceux d'administration et d'achat de matières' concernant les régies, dont le Gouvernement avait fait déduction sur le produit brut, et que la Chambre a fait ressortir dans le Budget pour..... 121,354,000

Somme conforme à celle énoncée à l'Etat ci-dessus **Francs 1,098,362,693**

Certifié conforme :

Le Ministre Secrétaire d'Etat au Département des Finances,
LE COMTE CORVETTO.

TRAITE de Commerce entre Sa Majesté le Roi de Danemarck et Sa Majesté le Roi de Prusse.—Conclu à Copenhague, le 17 Juin, 1818.

Au Nom de la Très-Sainte et Indivisible Trinité.

SA Majesté le Roi de Danemarck et Sa Majesté le Roi de Prusse ont également à cœur de resserrer de plus en plus l'amitié qui subsiste entre Elles, et d'étendre les relations commerciales entre leurs Etats respectifs, sont convenues de conclure un Traité de Commerce fondé sur des bases réciproquement avantageuses.

En conséquence, leurs Majestés ont choisi et nommé pour leurs Plénipotentiaires, savoir : Sa Majesté le Roi de Danemarck, le Sieur Adolph de Rosenkrantz, son Ministre d'Etat Intime et Chef du Département des Affaires Etrangères, Chevalier de l'Ordre de l'Eléphant, Grand Croix de l'Ordre de Danebrog, de l'Ordre de St. Etienne de Hongrie, des Ordres de l'Aigle Noir et Rouge, etc. etc. ; et Sa Majesté le Roi de Prusse, le Sieur Guillaume Henri Maximilien, Burgrave et Comte de Hohna, Conseiller Intime d'Ambassade, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Danoise, Chevalier de l'Ordre de l'Aigle Rouge de la 3ème Classe ; lesquels, après avoir échangé entre eux leurs Pleinspouvoirs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans :

ART. I. Il y aura une paix inviolable et une amitié sincère et permanente entre Sa Majesté le Roi de Danemarck, ses Héritiers, Successeurs et Sujets d'une part, et Sa Majesté le Roi de Prusse d'autre part, sans exception de personnes ou de lieux.

II. Les Sujets Danois en Prusse, et les Sujets Prussiens en Danemarck, seront constamment regardés et traités comme les Individus des Nations les plus favorisées, conformément aux Traités de Commerce subsistans entre les Hautes Parties Contractantes et d'autres Puissances. Leurs Majestés s'engagent en outre à accorder à leurs Sujets respectifs toutes les facilités et assistances, et tous les avantages de commerce, qui peuvent naturellement émaner d'une telle préférence ; bien entendu cependant que les Sujets Danois ou Prussiens se soumettront dans leur commerce ou trafic aux Ordonnances et aux Loix du Pays.

III. Les avantages des Nations les plus favorisées, accordés selon l'article précédent aux Sujets respectifs, s'étendent de même aux Marchandises et aux Vaisseaux des Sujets des 2 Hautes Puissances Contractantes. Pour favoriser le commerce autant que possible, l'on convient que les Vaisseaux Danois jouiront dans les Ports des Etats de Sa Majesté Prussienne des mêmes prérogatives dont jouissent les Bâtimens Nationaux, et que ce même avantage sera accordé aux Vaisseaux Prussiens dans les Ports des Etats de Sa Majesté le Roi de Danemarck, à l'exception des Iles de Færroe et d'Islande, de la Groenlande et des Colonies Danoises. Les Navires Prussiens ne payeront point dans les

Ports Danois les 50 pour cent en sus du Tarif ordinaire. Les payemens de droits de Port, de droits d'entrée et de sortie ou de Douane sur les marchandises, ainsi que les redevances des Navires dans les Ports, seront les mêmes dans les Etats de Sa Majesté Prussienne pour les Bâtimens Danois que pour les Nationaux. Tous ces avantages sont accordés de même aux Vaisseaux Prussiens dans les Ports de la Monarchie Danoise.

IV. Les Vaisseaux Prussiens payeront les droits du Sund et des 2 Belts de la même manière que ces droits sont payés par les Bâtimens des Nations les plus favorisées en Danemarck. Il en sera de même des marchandises et denrées Prussiennes qui passeront le Sund et les Belts à bord de Vaisseaux étrangers et privilégiés.

La douane du Sund sera payée selon le Tarif de l'année, 1645*, ou de telle manière dont par des Conventions ultérieures le Danemarck pourra tomber d'accord avec les Nations les plus favorisées. Quant aux marchandises dont il n'est pas fait mention dans ce Tarif, les Sujets Prussiens ne payeront que 1 pour cent, comme cela se fait de la part des Nations les plus favorisées.

Le paiement du Rosenoble et des 24 Schillins, auquel les Sujets Prussiens étoient soumis jusqu'ici dans le Sund, tant pour le Vaisseau que pour la cargaison, cessera tout-à-fait. Les redevances en faveur des préposés à la Douane (*Sporteln*) et autres Dépenses dans le Sund seront acquittées par les Sujets Prussiens sur le même pied que par les Nations les plus favorisées par les Stipulations des Traités de Commerce conclus avec le Danemarck.

Ce sera de cette même manière que les Sujets Prussiens payeront les impôts pour le passage du Canal de Holstein.

V. On ne visitera point au Passage du Sund, ni à celui des Belts et du Canal de Holstein, les Vaisseaux et marchandises qui appartiennent aux Sujets Prussiens, mais l'on sera tenu, quant à l'acquit des droits à payer pour ces mêmes Navires et marchandises, d'ajouter foi aux Certificats et Passeports en bonne forme, que les Capitaines des Vaisseaux Prussiens seront dans le cas de produire du Magistrat ou de la Douane de l'endroit d'où ils sont partis, sans exiger aucun éclaircissement ultérieur sur les marchandises qui formeront la cargaison de ces Navires, et en se rapportant, quant à leur poids, mesure, qualité et emballage, à ce qui sera marqué là dessus dans les dites Lettres et Passeports; bien entendu cependant que, si l'on s'apercevoit de quelque fraude commise à cet égard, l'on avisera, à la première réquisition qui en sera faite aux moyens d'y remédier et de les prévenir à l'avenir.

VI. La Douane du Sund, dans l'acquit du paiement des droits, sera obligée de donner chaque fois le détail spécifié des droits perçus sur chaque espèce des marchandises, à fin que l'on puisse vérifier et constater de cette façon, si rien n'y aura été exigé de trop, et il ne

* See Pages 701, & 710.

sera point permis à la dite Douane de déroger à cet usage, à moins que les Capitaines des Navires, pour accélérer leur expédition, ne se contentent eux-mêmes d'un acquit en gros des droits payés pour toute leur Cargaison.

VII. Les Vaisseaux Prussiens seront expédiés au Sund sans retard, et la Douane Royale ne donnera pas la préférence à d'autres Vaisseaux, à moins qu'ils ne soient arrivés les premiers.

VIII. Les Vaisseaux Prussiens, après avoir payé les droits du Sund, soit en sortant de la Baltique, soit en rentrant dans cette Mer, s'ils étoient obligés par tempête, vent contraire ou autrement de revenir dans le Sund, ne seront pas tenus de payer une seconde fois les mêmes droits.

IX. Les Vaisseaux Prussiens, qui passeront devant la Forteresse de Gluckstadt et autres places que le Danemarck possède sur l'Elbe, ne seront point visités, ni retenus ou inquiétés, à moins qu'en tems de Guerre il n'y ait des soupçons avérés que ces Bâtimens portent de la contrebande militaire à l'ennemi.

Les Bâtimens Prussiens seront traités sur l'Elbe comme les Nationaux.

X. Les Bâtimens Danois qui seront contraints par tempête, vents contraires ou autres accidens de mer, à se réfugier dans quelque Port de la Monarchie Prussienne, y pourront librement ancrer, séjourner et se radoubler, sans payer de douane pour leurs marchandises, tant que celles-ci ne seront ni débarquées ni vendues. Il en sera de même des Vaisseaux Prussiens dans les Ports Danois.

XI. Aucun Navire, ni Marchand ni de Guerre, appartenant aux Sujets de l'une des 2 Puissances Contractantes, ne pourra être arrêté, ni les marchandises saisies dans les Ports de l'autre; ce qui toutefois ne s'étendra pas aux saisies ou arrêts de justice provenant de dettes.

XII. Aucun de ces Navires ne sera forcé de servir en Guerre, ni à aucun transport quelconque, contre son gré.

XIII. Chacune des 2 Nations aura le droit d'importer ses propres productions et marchandises, et les productions et marchandises étrangères, à bord de ses propres Bâtimens dans les Etats de l'autre Puissance Contractante, et de faire un commerce pareil à bord de Vaisseaux Etrangers.

Les Sujets respectifs seront cependant toujours obligés à se soumettre aux Réglemens et Ordonnances par lesquels l'importation ou l'exportation de quelque denrée ou marchandise sera, ou tout-à-fait défendu dans l'Etat où le commerce se fait, ou accordée de préférence à une Société ou à une Commune.

Les Sujets respectifs faisant le commerce se conformeront également aux anciennes Loix et usages des Villes dans lesquelles ils font leur trafic, et par lesquelles une branche du commerce est plus ou moins réservée aux Habitans de ces Villes, comme c'est le cas à

Königsberg, à Elbing et à Dantzic, au sujet du trafic avec les denrées Polonoises et Russes.

XIV. Les Marchands, Capitaines et Commandans des Vaisseaux, et autres Sujets de chacune des 2 Nations, ne seront pas forcés dans les Ports de l'autre de décharger aucune sorte de marchandise dans d'autres Vaisseaux, ni de les recevoir à bord de leurs Navires, ni d'attendre leur chargement plus longtems qu'il ne leur plaira.

XV. L'une des 2 Puissances Contractantes venant à avoir la Guerre avec une Puissance tierce, elle n'en donnera pas moins de son côté des preuves de la continuation de son amitié à l'autre, sans exiger d'elle aucune prédilection qui soit préjudiciable aux intérêts propres et au repos de celle qui est restée neutre, et qui jouira, particulièrement de la part de celle qui est devenue belligérante, d'une reconnaissance pleine et entière de tous les droits que lui assure la Neutralité, moyennant qu'elle en observe aussi strictement les obligations.

XVI. En conséquence de l'Article précédent, tous les Vaisseaux des Puissances Contractantes pourront naviguer librement de Port en Port, et sur les côtes des Nations en Guerre.

XVII. Les Hautes Puissances Contractantes ayant résolu de mettre sous une sauvegarde suffisante la liberté du commerce et de la navigation de leurs Sujets, dans le cas où l'une d'entre elles seroit en Guerre, tandis que l'autre resteroit neutre, elles sont convenues que les effets embarqués sur les Vaisseaux Neutres seront libres, à l'exception de la Contrebande de Guerre.

Il sera ainsi libre aux Sujets Neutres de transporter pour leur compte les marchandises du produit, du crû et de la manufacture des Pays en Guerre, qui auront été acquises par des Sujets de la Puissance Neutre.

La même liberté s'étendra aux Personnes qui sont à bord d'un Vaisseau Neutre, quand même elles seroient Ennemies de l'autre partie, excepté que ce fussent des gens de Guerre, actuellement au service de l'Ennemi.

Pour obvier à tous les inconvéniens qui peuvent provenir de la mauvaise foi de ceux qui se servent du Pavillon d'une Nation, sans lui appartenir, on convient d'établir pour règle inviolable, qu'un Bâtiment quelconque, pour être regardé comme propriété du Pays dont il porte le Pavillon, doit avoir à son bord le Capitaine du Vaisseau et la moitié de l'équipage des gens du Pays, et les Papiers et Passeports en bonne et due forme d'après les Ordonnances du Gouvernement dont il se réclame; mais tout Bâtiment qui n'observe pas cette règle, et qui contreviendra aux Ordonnances publiées à cet effet, perdra tous les droits à la protection des Puissances Contractantes.

XVIII. Le Commerce des Vaisseaux de la Puissance Neutre ne se fera cependant pas dans des Ports bloqués. On convient de ne regarder un lieu comme assiégé ou bloqué, à moins qu'il ne soit telle-

ment fermé du côté de la mer par 2 Vaisseaux, ou du côté de la terre par une batterie de canons, que son entrée ne peut être hasardée sans s'exposer au danger évident d'une décharge de canons.

XIX. Les Navires Marchands des Sujets respectifs naviguant seuls, et lorsqu'ils seront rencontrés ou sur les côtes ou en pleine mer par les Vaisseaux de Guerre, ou Armateurs particuliers, de l'une ou de l'autre des 2 Puissances Contractantes, engagée dans une Guerre avec quelque autre Etat, en subiront la visite. Il sera interdit en ce cas aux Capitaines et Conducteurs des dits Navires Marchands de ne rien jeter de leurs Papiers en mer. Les Vaisseaux de Guerre ou Armateurs susdits resteront de leur côté constamment hors de la portée du canon des Navires Marchands; et, pour obvier entièrement à tout désordre et violence, il est convenu que les premiers ne pourront jamais envoyer au delà de 2 ou 3 Personnes dans leur Chaloupe à bord des derniers, pour faire examiner les Passeports et Lettres de Mer qui constateront la propriété et les chargemens de ces Navires; supposé toutefois que de tels Navires Marchands se trouvaient escortés par un ou plusieurs Vaisseaux de Guerre, la simple déclaration de l'Officier commandant l'Escorte, que ces Navires ne portent point de Contrebande, doit être envisagée comme pleinement suffisante, et aucune visite n'aura plus lieu.

XX. Dans le cas qu'un Vaisseau visité se trouve surpris en contrebande militaire, le Capteur s'abstiendra de toute violence à son égard. Il sera cependant en droit de l'amener dans un Port, où, après l'instruction du procès selon les Lois, et après que la Sentence définitive sera portée, la marchandise de Contrebande militaire sera confisquée, pendant que les autres effets seront rendus, sans que l'on puisse jamais retenir ni Vaisseau ni effets sous prétexte de frais ou d'amende. Pendant la durée du procès, le Capitaine, après avoir délivré la marchandise reconnue pour Contrebande militaire, ne sera point obligé malgré lui d'attendre la fin de son affaire, mais il pourra se mettre en mer avec son Vaisseau et le reste de sa Cargaison, quand bon lui semblera.

Si la surprise de Contrebande se fait en pleine mer, le Capitaine du Vaisseau, sur lequel se trouve la Contrebande militaire, peut, s'il le juge à propos, abandonner cette Contrebande à son Capteur; lequel devra se contenter de cet abandon volontaire, sans inquiéter en aucune façon le Navire.

XXI. Sous la dénomination de marchandise de Contrebande militaire sont comprises seulement les armes à feu et autres instrumens hostiles, avec leurs assortimens, comme canons, mousquets, mortiers, pétards, bombes, grenades, affûts, fusils, pistolets, boulets, balles, pierres à feu, mèches, poudre, salpêtre, soufre, cuirasses, piques, épées, ceinturons, poches à cartouches, selles et brides, en exceptant toutefois de ces effets ce qui est nécessaire pour la défense du Vaisseau et de son équipage. Ces marchandises ne seront réputées Con-

trebande militaire que dans les cas qu'on les porte dans quelque Pays Ennemi. Toutes les autres marchandises, qui ne sont point indiquées dans cet Article, ne peuvent pas être considérées comme Contrebande militaire.

XXII. Les encouragemens que les Ordonnances sur la course en mer de celle des 2 Parties, qui est devenue Belligérante, pourront accorder aux équipages de ses Vaisseaux de Guerre et à ses Sujets qui auront armé des Vaisseaux en course, ne pourront en aucun cas être appliqués aux Bâtimens Marchands de l'autre Puissance qui est restée neutre.

XXIII. Chacune des 2 Parties Contractantes tâchera de protéger et de défendre tous les Vaisseaux et autres effets appartenant aux Sujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre. Les Puissances ne souffriront par conséquent pas que sur les côtes, dans les Ports, Havres et Rivières de leurs dominations, les Navires et marchandises des Sujets respectifs soient pris par des Vaisseaux de Guerre ou autres Bâtimens d'une Puissance tierce, et si le cas n'en venoit pas moins à exister, et que la protection n'eût pas pu avoir lieu, les Puissances Contractantes emploieront tout leur pouvoir pour faire restituer le Bâtiment pris, et pour obtenir pleine et entière restitution de tout dommage.

XXIV. Quant à la quarantaine qui pourroit être ordonnée en certaines occasions dans les Etats de l'une ou de l'autre des 2 Parties Contractantes, leurs Sujets Navigateurs s'y conformeront respectivement de la même manière que les Nationaux et ceux des autres Nations amies ; mais aussi les Ordonnances à cet égard seront uniformes, et sans faveur ou défaveur pour l'une ou l'autre Nation.

XXV. Si les Navires des Sujets des 2 Puissances Contractantes échouoient ou faisoient naufrage sur les Côtes de l'une ou de l'autre, les Sujets respectifs jouiront, tant pour eux-mêmes que pour leurs Navires et effets, de tous les secours et assistances possibles, comme les Habitans du Pays eux-mêmes, en payant cependant les mêmes frais et droits auxquels sont assujettis en pareil cas les propres Sujets de l'Etat sur les Côtes duquel ils auroient échoué ou fait naufrage. Dans le cas qu'il se trouve sur les Côtes Danoises ou Prussiennes un Vaisseau naufragé, sans qu'on puisse apprendre le nom du Propriétaire du Bâtiment, le Gouvernement fera insérer 3 fois de suite dans les Feuilles publiques du Pays, ainsi que dans celle de Hambourg, une description du Vaisseau naufragé, pour que le propriétaire puisse faire les réclamations nécessaires, et ce ne sera qu'un an après qu'une publication pareille reste sans effet, qu'on disposera du Bâtiment naufragé selon les Loix du Pays.

XXVI. Les Puissances Contractantes ont établi dans leurs Etats réciproques des Consuls, dans le but d'assister leurs Sujets respectifs, et de faciliter les relations de commerce qui existent entre les 2 Nations. Si les circonstances rendoient désirable l'établissement de Consuls,

Vice-Consuls ou Agens du Commerce, des Parties Contractantes dans les Ports Danois ou Prussiens en Europe, où il n'y en aura pas encore, l'on ne s'y opposera pas.

XXVII. Les Sujets Danois établis en Prusse, et les Sujets Prussiens établis en Danemarck, conserveront toujours la liberté de quitter le Pays qu'ils habitent, pourvu qu'ils s'acquittent de leurs dettes et autres obligations selon les Lois de l'Etat dans lequel ils se trouvent.

XXVIII. Si, malgré les sentimens sincères et les efforts mutuels des Hautes Puissances Contractantes de maintenir la paix entre elles, il survenoit malheureusement (ce qu'à Dieu ne plaise) quelque rupture ou même une Guerre ouverte entre elles, leurs Sujets respectifs, qui se trouveront réciproquement dans les Etats de l'une ou de l'autre Puissance, n'en seront pas moins sûrs dans leurs personnes et leurs propriétés.

Ils auront une année de tems pour liquider leurs affaires et pour retirer leurs biens et effets, en quoi ils jouiront d'une entière liberté, et il leur sera prêté tout secours et toute protection. La justice leur sera administrée comme avant la Guerre, et l'année étant écoulée, on leur fournira les Passeports nécessaires pour s'en retourner surement et librement en leur Patrie avec leur famille, leurs biens et effets, marchandises et Vaisseaux.

XXIX. Le présent Traité durera pendant 20 ans, et tout ce qui s'y trouve arrêté doit être observé inviolablement pendant cet intervalle, et exécuté dans toute sa teneur; bien entendu, qu'avant l'expiration du terme du dit Traité, il dépendra du bon plaisir des 2 Hautes Parties Contractantes de convenir sur sa prolongation.

XXX. Le présent Traité sera ratifié, et les Ratifications échangées dans l'espace de 2 mois, à compter du jour de la signature, ou plutôt, si faire se peut.

En foi de quoi nous Soussignés, en vertu de nos Pleinspouvoirs, avons signé le présent Traité, et y avons apposé le Cachet de nos Armes.

Fait à Copenhague, le 17 Juin, 1818.

(L.S.) LE COMTE DOHNA. (L.S.) N. ROSENKRANTZ.

SOUND TARIFF (annexed to the Treaty between Denmark and The States General of 1645;) referred to in Article IV of the preceding Treaty.*

TOL-ROLLE in den Oresont Voor d'Onderdauen der Geunieerde Nederlandsche Provintien. In date den 13den Augusti, 1645.

Visch en andere vette, oork gesoute Waren.

Een Last Boter.....	} Een Ryksd. een Oort.
Een Last of acht amen Honingh.....	

* See Translation, in French, Page 710.

Ses Schippond Speck	Drie Rycks-Oort.
Ses Schippond Kaas.....	Een halve Rycksdaler.
Een Last Koeyen-vet	} Drie Rycks-Oort.
Een Last ofte acht Oxhoofden Traan	
Een Last Spaans Zout.....	} Een halve Rycksdaler.
Een Last Frans Zout	
Een Last Vleesch	Drie Rycks-Oort.
Een Last Haringh.....	Een halve Rycksdaler.
Een Last Dorsch of Cabliau	} Een Rycks-Oort.
Een Last of 20,000 gedroochde Botten of Schollen	
Een Last Root-schar of Stockvisch.....	} Derde-halve Rycks-Oort.
Een Last Sporder	
Een Last Aal of ses vaten	
1000 Gedroochde Visch, gesouten Visch of Abberdaan	
Een Last Steur of ses vaten	Een Rycksd. een Oort.
Een Last Salm	Een Rycksd. een Oort.
Een Last Raf	Drie Rycks-Oort.
Acht Lasten Stroo-Bocking of gerookten Haringh, 20 stroo op't Last	Een halve Rycksdaler.
Ses Schippond Talck	} Drie Rycks-Oort.
Een Last of 12 Tonnen Lanenburger Zout	

Koorn.

Een Last Terwe	Een Rycksdaler.
Een Last Rogge	Een halve Rycksdaler.
Een Last Garste	} Een halve Rycksdaler.
Een Last Meel	
Een Last Mout.....	Anderhalve Rycks Oort.
Een Last Haver	} Een Rycks-Oort.
Een Last Erweten	
Een Last Haver-gort	
Een Last Roggenbroot	
Een Last Terwen-Tweeback	Een en een halve Rycks-Oort.
Een Last Boekweyte	Een Rycks-Oort.
Een Last Boekweyte Gort	Een en een halve Rycks-Oort.
Een Last Gierst ..	Derde halve Rycks-Oort
Een Last Nooten	Een Rycks-Oort.
Een Last Appelen	Een halve Rycks-Oort.
Een Last Mostertsaat	Derde halve Rycks-Oort
Een Last Wal-nooten 36 Bossuwen of 18 Tonnen	Een Rycks-Oort.

Alderhande Waren.

Een Schippont Was.....	Drie Rycks-Oort.
Des Schippont Harpuyt	Twée en een halve Rycks-Oort.
Een Schippont Donsveeren	} Drie Rycks-Oort.
Des Schippont gemeene Veeren	
Vier Schippont fyne Wolle ..	
Des Schippont groove Wolle	Twée en een halve Rycks-Oort.
Een vat of dertigh dofsyn Caerden	Een en een halve Rycks-Oort.
Een vat Vilthoeden	Een Rycks-Oort.
Acht Schippont Vlok of Scher-Wolle.....	} Drie Rycks-Oort.
Een Sack Boom-Wolle weegende 200 Pont	
Een Last of 12 Schippont Potasche	Een Rycksdaler.
Een Last Weed-asche	Een Rycks-Oort.
Een Last groven Bant, Teer of Pek	Een en een halve Rycks-Oort.
Een Last kleine Teer of Pek	Negen Lubse Schellingh.
Acht Korven of Kisten Frans, Hessisch of Dantziker Glas	} Twée en een halve Rycks-Oort.
Vertich Schock Vlessen	
Wuysent Voet Steen.....	} Twée en een halve Rycks-Oort.
Een Vat of twee Pypen met Vlessen	
Des Schippont Hoppe	Een Rycks-Oort.

Vlasch ende Hennep.

Een Last of ses Schippont Vlasch of Hennep	Een Rycksdaler.
Vier Schippont Heyligh of Matte Vlasch ...	Een Rycksdaler.
Een Schippont geheekelt Vlasch	} Drie Rycks-Oort.
Schippont Cabelgaren, Cabeltouw, Cabeltros, end Takel.....	
Een Schippont gesponnen Werkgaren.....	
Vier Schippont Vlassen Garen	
Vien Schippont Vlassen, of Hennepen-werk	
Een Last Vlas-saat	} Een en een halve Rycks-Oort.
Een Last Rapen-saat	
Een Last Hennepsaat	
Een Vat Canariensaat	Een halve Rycks-Oort.

Kooper, Tin, Loot ende Yser.

Een Schippont Kooper	Een halve Rycksdaler.
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Een Schippont of een Korf met Tin	} Een halve Ryksdaler.
Een Korf met Geel Kooper-werk	
Ses Schippout of een voeder Loot	
Acht Vaten met Blick	
Ses Schippont Staven-Yser.....	
Een Last ofte twalf Schippont Osmund-Yser	
Ses Schippont Kogels	
Ses Schippont Ysere Cachelovens	
Vier Schippont Ysere Platen	
Acht Schippont of Oxhoofden oudt Yser ...	
Ses Schippont Gotelinghs Geschut.. ..	
Ses Tonnen Hollandtsche Spyckers	
Ses Centenaer Stael.....	
Een Korf of vat met Staeldraet	
Ses Schippont Ysere Banden tot Wyn-vaten	
Ses Centenaer Lubse Spyckers	

Kryghsch-Ammunitien.

Hondert Sweert-klingen	Een halve Ryksdaler.
Hondert Gevesten.....	Acht Lubse Schelling.
Vier hondert Spies-stocken.....	Een halve Ryksdaler.
Vyftich Slagh-Swaerden	Een halve Ryksdaler.
100 Harnassen	Een Ryksdaler.
50 Stormhoeden	Een halve Rycks-Oort.
100 Hellebaerden.....	Een halve Ryksdaler.
100 Spies-yser.....	Een halve Rycks-Oort.
Een Kist met 100 Musquetten	} Een halve Ryksdaler.
Vier Dosyn korte Roers	
15 Curassen	
Ses Centenaer Saltpeter ofte Kruyt.....	Drie Rycks-Oort.
Een Last ofte 12 Schippont Swavel	Een Ryksdaler.

Hout-Waren.

Een groote Scheeps-mast van 15 Palmen, en daar boven	Een halve Ryksdaler.
Een kleyue Mast of Spyr	Acht Lubse Schelling.
25 Vlagge-Stengen ofte Smaal spyren	Twee en een halve Rycks-Oort.
Een groot hondert Klap ofte Pyp-hout	} Een Ryksdaler.
Een groot hondert Vat-hout	
Hondert Coursch Wagenschotten	Een en een halve Rycks-Oort.
Een Schock groote Eycken-planken.....	Een Ryksdaler.
Een schock Pruysche ofte Statynsche Deelen	Drie Rycks-Oort.

1000 Latten.....	Acht Lubse Schellingh.
Een groote Eycken-Balken	} Twee en een halve
Een wintich Vuuren Balken	
Een Last Kisten.....	Rycks-Oort.
Een Nestel ofte 12 Cypres-kisten	Een en een halve
Een Korf geschilderde Kistjens	Rycks-Oort.
Een Schock groote Riemen.....	Drie Rycks-Oort.
Een Schock Barckhoute ofte dubbele }	} Een Rycksdaler.
Eycken Plancken.....	
1000 van de Noorwegsche of Schwedsche }	} Drie Rycks-Oort.
Deelen	
Een Schock smalle Riemen.....	Acht Lubse Schellingh.
Een vierth Schock Schoppen	Drie Rycks-Oort.
Een wintich Schock Mouden	} Drie Rycks-Oort.
Een groot hondert Pypen-Staven	
1000 Scheep-nagels	
Een vierth Bondels Corck	} Acht Lubse Schellingh.
Een wintich Schock Tallieuren	
1000 Hoep-stocken	} Drie Rycks-Oort.
Krom-houten ofte Knien	
Een Swaert-posten	Een halve Rycksd.
Een hondert Bootstevens	Drie Rycks-Oort.
Een vierth stucken Bercken ofte Esche hout...	Een Rycksdaler.
Een hondert Pruische Wagen-schotten.....	

Wildt-Waren.

Een timmer Maertervellen	Twee en een halve
Een hondert Bever-vellen	Rycks-Oort.
Een hondert Vossen-vellen.....	Een Rycksdaler.
Een hondert Otter-vellen	Drie Rycks-Oort.
Een wintich Timmer Hermelynen	Een en een halve Rycksd.
Een wysent Graeu-werk	} Drie Rycks-Oort.
Een wysent Ulcken ofte wilde Katten-vellen ...	
Een sthien dosyn Romeyn-vellen	
1000 swarte Conyns vellen.....	
1000 graeuwe Conyns-vellen	
Een hondert Rycksdalers aen Saebelen	

Huyden en vellen.

Een er deckers Elants-huyden	} Drie Rycks-Oort.
Een er deckers Herte-huyden	
Een wintich deckers Bocks-vellen	

Dertich deckers Kalfs-vellen	} Drie Rycks-Oort.
Duysent groote Schaeps-vellen	
Twee duysent Lammer-vellen	
Vier duysent jonge Bocks-vellen.....	
Duysent Geyte-vellen	
Duysent witte Leeren	
Thien Decker Speems-leer	
Ses Decker Spaens-leer	
Twintich Decker Bessaen-leer.. ..	
Thien Decker Russche vellen of Rot last ...	
Ses Decker gesoute of bereyde Huyden.....	
Thien Decker drooge Huyden	
Duysent Paer Russche Hantschoenen.....	
Vier hondert Pont Sool-leer.....	
Acht hondert Pont Afval.....	
Vier Decker Ossen-huyden of Juchten	

Fluweel, Syden-waren, en Laecken.

Twee Stucken Brokade	} Drie Rycks-Oort.
Vier Stucken fyn Fluweel	
Acht Stucken Engels of Irlands-Laecken ...	
Acht Stucken dubbelde Sayen	
Acht Stucken half Fluweel	
Acht Stucken Satyn.....	
Acht Stucken Zyde Borat	
Acht Stucken Taffetas	
Acht Stucken Caffa	
Sesthien Stucken Engels dosyncke vierloot of Irlands grof Laecken	
Twalf Stucken Baey	} Twee en een hal Rycks-Oort.
Thien Stucken blau gemenght Ras.....	
Een pack of sesthien Stucken Schots grof Laecken, Amsterdams, Vlaensch, of Fransch Laecken	
Twalf Stucken dubbelt Turks Maccayer of Grof-greynen	
24 Stucken Osnabrughsche Carsayen, Grof- greynen, enkele Zayen, Maccayer, Tryp, Bombasynen, Saerdæck, ende Tirenthaey.	
Een Vat Cramerye	
Twalf pont Zyde Frangien, Possementen ende Koorden	
Sesthien Pont Flock-Frangien	

Vier dosyn Engelsch, Spaensch, ofte Neu-
 renburger Beddegwaet of Deeckens
 Vier dosyn Peerde-Deeckens
 Dertich Dosyn Lakense Lysten, ofte Self-
 kanten
 Hondert Paer syne Corsaye Coussens.....
 Dertich dosyn grooven Lakense Coussens...
 Sestich dosyn wolle Coussens.....
 Hondert Scotsche wolle Hembt-rocken
 Een Pack ofte vat hondert Rycksd. waerdigh
 Twaelf paer Zyde Coussen
 Vyftich paer gebreyde Coussen
 Ses pont goude ofte silvere Passementen ...
 Hondert pont rouwe Zyde ongeverwt of
 ongearbeyt

Twee en een halve
 Rycks- ort.

Lindewaet.

Een Vat Hollandts Lindewaet.....
 Twaelf Stucken Hollandts of Slesisch Linde-
 waet
 Hondert Dreyl doecken
 Acht Stucken Cameriecks doeck
 Acht Stucken of rollen dubbel breete
 Fransch of Dansiker Boldavet, of Canefas
 Twintich Stucken enckelt Melvinghs Bold-
 vet, of Canefas
 Veertich Stucken Haer-doeck
 Twintich Stucken Linnen
 Twintich Stucken Pomerse Linnen of dier-
 gelycken
 Twaelf Stucken Rissels Camelot of Damast
 Twintich Stucken Dreyling
 Dertich Stucken Statyns Linnen
 Veertich Stucken Cracous Linnen ofte Bol-
 kraen
 10 Stucken swart Werkwarens Linnen...
 Duysent ellen plets of pledinghs
 Acht Stucken syn Bedde teeken
 Vyftich Stucken grove Bedde teeken
 Acht balen Papier
 Vyftich pont Nay-garen
 Sesthien Stucken Cattoendoeck

Twee en een halve
 Rycks-Oort.

Kruyt en Speceryen.

Een bale of drie hondert pont Peper
 Drie hondert pont Geimber

Drie Rycks-Oort.

Hondert en vyftich pont gekonfyte Geimber	}	Drie Rycks-Oort.
Hondert pont Nagelen, Caneel, Noote- muscaten, Muscate-Bloemen, Folie en Indigo		
Acht pont Saffraen		
Een Last Rosynen of Vygen van 36 Korven, of sesthien hondert pont		
Een vat lange Rosynen tot vier hondert pont		
Vier hondert pont Amandelen		
Acht hondert pont Ryst		
Acht hondert pont Bakelaer		
Vier hondert pont Tabak		
Vier hondert pont Spaensche Zeep		
Vier balen witte Zeep	}	Een en een halve Rycks-Oort.
Een Last Zeep		
Vier hondert pont Maniget	}	Drie Rycks-Oort.
Een vat ofte bale Galnooten tot vier hon- dert pont		
Vier balen Corenthen ofte acht hondert pont		
Vier hondert pont Dayen of Dadels		
Twee pypen Pruymen, Lamoenen, Cappers, of Olyven	}	Een en een halve Rycksdaler.
Sesthien hondert pont Pruymen		
Vier hondert pont Broodt Suyker		
Vier hondert pont Candy-Suker of Confy	}	Drie Rycks-Oort.
Een Vat Syroop		
Vier balen of vier hondert Pont Annys of Comyn	}	Drie Rycks-Oort.
Een vat ofte Kist Poeyer-Suyker van vier hondert pont		
Een dubbelde bale Cinober van drie hondert pont	}	Een en een halve Rycksdaler.
Ses balen verwe, Almagro ofte Crab, van acht hondert pont		
Sesthien hondert pont Smak	}	Drie Rycks-Oort.
Vier Schippont root, ofte verwe van Dantsik		
Ses Schippont of achthien hondert pont Galmey		
Hondert pont Conchenillie		
Ses hondert pont Calmus	}	Een Rycksdaler. Een en een halve Ry Oort.
Een Last root of verwe uyt Sweeden		
Een Vat Weyde of drie Schippont		
Ses Schippont V'triol of Cooper-root		Drie Rycks-Oort.

Ses Schippont Potloot of Gleyde.....	}	Drie Rycks-Oort.
Drie Schippont Alluyn		
Ses Schippont Cooperwater.....		
Dertich pont Root-steen, of verarbeyden Bern-steen		
Vier Schippont ghevyld Bern-steen	}	Acht Lubse Schellingh.
Drie Schippont Spitsglas.....		
Vier hondert pont Pokhout.....		
Vier hondert pont Calimo of Soethout		
Acht hondert pont Gomme of Gallas	}	Twee en een halve Rycks-Oort.
Vier Schippont Ingeschar, ofte Verf-kruyt...		
Drie hondert pont Styffel, of een vat van 300 pont ..		
Duysent pont Paradies Koorn.....		
Duysent pont Brasilien Hout	}	Een en een halve Rycks-Oort.
Twintich stucken gout Peel.....		
Drie hondert pont Lym		
Een vat Lissebonsche Olye.....	}	Drie Rycks-Oort.
Een Last of acht Amen Hennep of Raep Olye		
Een Last of acht Amen Lyn-Olye		
vyftich pont Quick-silver		
Een Oxhooft Succaden	}	Een en een halve Rycks-Oort.
Acht hondert pont Ungersche Pruymen.....		
Een Oxhooft of twee hondert pont Wierook...		Drie Rycks-Oort.
Ses Schippont Harpuys ofte Tarpentyn.....		

Van allerhande Wynen van wat Soorten die oock zyn, ende hier onder niet gespecificeert zynde, sal den darthigsten Penningh genomen worden.

Een Oxhooft Spaensche Brandewyn	}	Een halve Rycksd.
Een Aem Rynsche Brandewyn		
Een Oxhooft Fransche Brandewyn		
Een Pyp Wyn-Azyn		
Een Last Meede		Een en een halve Rycksdaler.
Acht Oxhooften Engels Bier of Bier-Azyn...	}	Drie Rycks-Oort.
Ses vaten Mom of Jopen-bier		
Ses Vaten Luybs Bier		Een en een halve Rycks-Oort.
Een Last Rostocker, Wismars, of Straelsonts Bier		Een en een halve Rycks-Oort.
Vier Kisten Veneetsche Drinckglasen.....	}	Drie Rycks-Oort.
Een Mande met Kroesen en Kannen		

Vier hondert Pont Olyphants-tanden of }
 Peert..... } Drie Rycks
 Veertich Vlesch-Kelders

Ende sullen alle Ladingen die in de voorstaende Liste
 ficeert zyn, gereekent naar Koopmans gebruyck, ende
 oudts heer t'allen tyden is geobserveert geworden.

Datum Christianopel den 13 Augusty, Anno 1645.

CORFITS W
 CHRISTIAEN THO

CHRISTOFFE

JORGEN SEEFELT CHRISTOF

JACOB DE

GERARDT

ALBERT

JOACHIM A

Ende bezegelt met hunne respective Cachetten, in roode
 geflooten in houten Doosjens, ende uythangende aen t
 Koorden van verscheyde Coulouren.

TABLE DE LA TAXE faite en 1645, suivant l
Sujets de sa Royale et Sacrée Majesté Très-Chrestie
*obligéz de payer les Droits levéz aux Détroits du Sund.**

LE Sérénissime et Très-Puissant Roy de Danemarc et d
 des Vandales et des Goths, se souvenant et faisant l'estime
 des soins généreux et constans que le Sérénissime, très
 Très-Chrestien Roy de France et de Navarre, Cousin, Al
 cher Amy de Sa Majesté; comme aussi la Sérénissime R
 Régente, ont employé pour la pacification des Troubles qu
 ans ont agité les Pays du Nord, a jugé que rien ne luy d
 plus à cœur, que de répondre de sa part à leurs offices fidèle
 nels, par des témoignages de bien-veillance proportionnéz à
 a reccus. Et Sa Majesté depuis la Paix faite entre les Cou
 Nord, ayant appris du Très-Illustre et Très-Excellent Seig
 Tuillerie, Ambassadeur du Roy Très Chrestien, que Sa Maje
 voit très-agréable que l'on reduisit à un pied médiocre les Dro
 Marchands François payent au Détroit du Sund, afin qu'i
 avec le même avantage que les autres continuer l'exercice
 Commerce; Sa Majesté qui ne peut dénier aucune chose

* Annexed to the Treaty of Commerce between Denmark and
 1663.—Leonard, Vol. V. ;—Dumont, Vol. VI. Part 2. Page 440.

sirs du Sérénissime Roy de France et de Navarre, a bien voulu luy
 onner la satisfaction qu'il souhaite en cette rencontre, et modérer à
 ésent les mesmes droits en la manière que l'on voit par la Taxe joint à
 te Réponse, qui est toute la mesme que l'on a accordée à Christien-
 d, le 13 Aoust de l'Année courante, aux Estats des Provinces
 ies; sur le pied de laquelle Taxe Sa Majesté a donné ordre aux
 ceveurs Ordinaires de ses Droits, que ce Péage là fust exigé, ayant
 olu de ne souffrir pas à l'avenir que ceux qui vivent sous la domina-
 n du Sérénissime Roy de France, soient plus chargez que le seroient
 ux des autres Nations qui passent le mesme Détroit. Sa Majesté est
 ssi très-persuadée que le Sérénissime Roy Très-Chrestien recevra
 bon cœur le témoignage et la passion qu'on a de luy plaire, et fera
 roistre en revanche la mesme bonté et la mesme affection pour ceux
 s nostres qui trafiquent dans les Ports de France. C'est la Réponse
 e Sa Majesté a commandé de faire au Très-Excellent Seigneur
 mbassadeur, à qui Elle donne toute assurance de sa bienveillance
 yale. En foy de quoy l'on a mis le Sceau Royal à ces présentes.
 Fait à Copenhaguen, le Septembre, 1645.

(Traduction.)

**COLLE OU TARIFE du Péage de la Mer d'Oresunde, qui a esté
 réglé pour les Marchands François, au mois d'Aoust, 1645.**

Poissons, Graisses, et autres Marchandises Salées.

leth de beurre.....	Un Ristaller et un quart
leth de miel, ou 8 ahmées	Un Ristaller et un quart
chiffund (ou 120 livres) de lard	Trois quarts de Ristaller
chiffund (ou 120 livres) de fromage.....	Un demi Ristaller.
leth de graisse de cuisine	Trois quarts de Ristaller
leth de goultran, ou 8 barils.....	Trois quarts de Ristaller
leth de sel d'Espagne	Un demi Ristaller
leth de sel de France	Un demi Ristaller
leth de chair	Trois quarts de Ristaller
leth de harangs	Un demi Ristaller
leth de moluë ou cableaux	Un quart de Ristaller
leth de buttes secs, ou 20,000	Un quart de Ristaller
leth de roche	Trois quarts de Ristaller
leth de spurres	
leth d'anguilles ou six tonneaux	
millier de poissons secs, grasie, ou moluë	Un Ristaller et un quart
leth d'esturgeons ou six tonneaux.....	
leth de saulmons	Un Ristaller et un quart
leth de raffés	Trois quarts de Ristaller
uit leths de sorets ou harangs enfumez, 20	Un demi Ristaller
mesures pour un leth	

Six chiffund (120 livres) de taillie	Troisquarts de Ristaller
Un leth ou 12 tonnes de sel de Lunebourg...	Troisquarts de Ristaller

Bled.

Un leth de froment	Un Ristaller
Un leth de seigle	Un demi Ristaller
Un leth d'orge	Un quart et demi Ristaller.
Un leth de farine	Un quart et demi Ristaller.
Un leth de maltz à faire bière.....	Un quart et demi Ristaller.
Un leth d'avoine	} Un quart de Ristaller
Un leth de pois	
Un leth de gru d'avoine	
Un leth de pain de seigle.....	
Un leth de biscuit de froment.....	Un quart et demi Ristaller.
Un leth de bled mestail	Un quart de Ristaller
Un leth de grue de mestail.....	Un quart et demi Ristaller.
Un leth de gru de millet.....	2 quarts et demi Ristaller.
Un leth de noix	Un quart de Ristaller
Un leth de pommes.....	Un demi quart de Ristaller.
Un leth de moustarde.....	2 quarts et demi Ristaller.
Un leth d'avelanes, 36 boisseaux ou 18 tonnes	Un quart de Ristaller

Diverses sortes de Marchandises.

Six chiffund (120 livres) de cire.....	Troisquarts de Ristaller
Six chiffund d'harpis ou poix.....	2 quarts et demi Ristaller.
Six chiffund (120 livres) de duvet de plumes	} Troisquarts de Ristaller
Six chiffund de plumes communes.....	
Quatre chiffund de fine laine.....	
Six chiffund de grosse laine.....	2 quarts et demi Ristaller.
Un tonneau, ou trente douzaine de cartes...	Un quart et demi Ristaller.
Un tonneau de feutres de chapeaux.....	Un quart de Ristaller.
Huit chiffund de bourre lanisse, ou de ton-	} Troisquarts de Ristaller
sure de laine.....	
Un sac de coton de deux cens livres.....	

ou douze chiffund, de pottache ou	Un Ristaller.
de cendres.....	Un quart de Ristaller.
le gros gouldran ou poix	Un quart et demi de Ristaller.
le petit gouldran ou poix.....	9 chill. ou sols de Lubec
eilles ou quaiſſes de verres de France, se, ou de Dantzic.....	2 quarts et demi de Ristaller.
hocques* (ou bottes) de bouteilles }	
cons.....	
ds de pierre	
au ou deux pipes de bouteilles.....	Un quart de Ristaller.
und (120 livres) d'houblon	Trois quarts de Ristaller

Lin et Chanvre.

ou six chiffund de lin ou chanvre...	Un Ristaller.
chiffund de lin ou chanvre crud, ou se	
und de lin serisé ou prest à filer	Trois quarts de Ristaller
und de chanvre à cables, et cordages, quels	
und de hedegarn ou chanvre filé.....	
chiffund de flessengarn.....	
und de lin ou henffhede.....	
de semence de lin.....	
de semence de navette.....	Un quart et demi de Ristaller.
de semence de chenevis.....	

eau de semence de canaries.....	Un demi quart de Ristal.
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Cuivre, Estain, Plomb et Fer.

und de cuivre.....	Un demi Ristaller.
und ou corbeille d'estain.....	
beille de besogne de leton	
und ou charges de plomb.....	
neaux de feuilles de fer blanc.....	
und de fer en barre.....	
ou douze chiffund de fer d'Osmunde	
und de balles.....	
und de fourneaux de fer.....	
chiffund de plaques de fer.....	
chiffund ou barils de vieux fer.....	
und de gottlinchus.....	
es d'aixieux de Hollande.....	
ntaux d'acier	

* Chaque est une soixantaine.

Une Corbeille ou tonneau de fil d'archel d'acier	} Un demi Ristaller
Six chiffund de cercles de fer pour tonneaux à mettre vin	
Six quintaux d'aixieux de Lubec.....	

Munition de Guerre.

Le cent de lames d'épées.....	Un demi Ristaller.
Le cent de gardes d'épées	Huit sols de Lubec.
Quatre cens bois de piques	Un demi Ristaller.
Cinquante épées à deux mains.....	Un demi Ristaller.
Cent corcelets	Un Ristaller.
Cinquante morions.....	Un demi quart de Ris
Cent halberdars	Un demi Ristaller.
Cent fers de piques	Un demi quart de Ris
Une quaisse de cent mousquets	} Un demi Ristaller.
Quatre douzaines de canons à Carabines...	
Quinze cuirasses	} Trois quarts de Ris
Six quintaux de salpêtre ou poudre.....	
Un leth ou douze chiffund de soufre.....	Un Ristaller.

Marchandise de Bois.

Un gros mast de navire de 15 palmes, et au dessus	} Un demi Ristaller.
Un petit mast, dit Spire	
25 perches, dites Flagstangen, ou petits Spires	} Huit sols de Lubec. 2 quarts et demi Ristaller.
Le gros cent de bois de clappe	
Un gros cent de marrain à tonneaux	Un Ristaller
Un cent de bois à chariots de coure	Un quart et demi Ristaller.
Un tas ou soixantaine de grosses planches de chesne	Un Ristaller.
Un tas ou 60 d'ais de Prusse ou de Stettin...	Trois quarts de Ristal
Le millier de lattes	Huit sols de Lubec.
Dix grosses poutres de chesne	2 quarts et demi Ristaller.
Vingt poutres à feu.....	2 quarts et demi Ristaller.
Un leth de quaiesses	Un quart et demi Ristaller.
Un nestel ou douze zipers de coffres ou quaiesses.....	Trois quarts de Ristal
Une corbeille de cuveaux peints.....	Un quart et demi Ristaller.

Un tas ou 60 de gros Platan, ou bois de Platan, ou bois d'Erable.....	Un quart de Ristaller.
Un tas ou 60 de bois à Balc, ou poutres et planches de chesnes doubles	Un Ristaller.
Un millier d'aix de Norwegue ou de Suède	Trois quarts de Ristaller
Un tas (60) de bois de petit Platan ou Erable	Huit sols de Lubec.
Un tas ou fardeaux de palles	Trois quarts de Ristaller
Un tas de coffres ou auges	
Un gros cent de Pipestafen.....	
Un milliers de clouds à nef	
Un fardeaux de corcque	Huit sols de Lubec.
Un faisceaux (60) de trenchoirs	Huit sols de Lubec.
Un 100 courres servant de lieures	Trois quarts de Ristaller
Un courbes de bois ou en cheri (Cnehen).....	Trois quarts de Ristaller
Un poustaux dits Cheverpfost	Un demi Ristaller.
Un cent de bostaves	Trois quarts de Ristaller
Un pièces de bois de barque ou d'estre	Un Ristaller.
Un cent de bois à chariot, dit Vaguen-schott.	

Marchandise Sauvage.

Un timbre de peaux de Martre	2 quarts et demi de Ristaller.
Un cent de peaux de Bièvre	Un Ristaller.
Un cent de peaux de Renards.....	Trois quarts de Ristaller
Un cent de peaux de Loutres	Un Ristaller et demi.
Un 100 timbres d'Hermes	Trois quarts de Ristaller
Un millier de petits Gris	
Un millier d'Ick, ou peaux de Chats sauvages	
Un 100 douzaines de Romenfelle	
Un 100 de peaux de Connils noirs	
Un 100 de peaux de Connils gris	
Un cent Ristallers de Zobelines	

Cuir et Peaux.

Un 100 dequers de peaux d'Elan	Trois quarts de Ristaller
Un 100 dequers de peaux de Cerf	
Un 100 dequers de peaux de Bouc	
Un 100 dequers de peaux de Veau	
Un 100 grosses de peaux de Mouton	
Un 100 peaux d'Agneau	
Un 100 de peaux de Chamois.....	
Un 100 peaux de Chevrotin.....	
Un 100 de Cuir blanc.....	
Un 100 dequers de Cuir de Sehm.....	

Six dequers de Cordouan ou Marroquin...
 Vingt dequers de cuir de bassaine.....
 Dix dequers de cuir de Russie, dit Rot-
 tache
 Six dequers de cuir, dit Gahrleder.....
 Dix dequers de peaux desseichées, ou cuir
 passé
 Un millier de paires de Heusche de Russie
 400 livres de cuir à semelles.....
 Huit cent livres d'Affalt
 Quatre dequers de Vaches de Russie.....

Trois quarts de Ris

Velours, Estoffes de Soye, et Draps.

Deux pièces de brocadet.....
 Quatre pièces de fin velours.....
 Huit pièces de drap d'Angleterre et d'Ir-
 lande
 Huit pièces de double sarge.....
 Huit pièces de demi velours, ou trippe de
 velours
 Huit pièces de satin.....
 Huit pièces de sarge de soye, ou gros de
 Naples
 Huit pièces de taffetas
 Huit pièces de caffa
 Seize pièces de gros drap dusincque d'An-
 gleterre, ou d'Irlande à quatre fonds.....
 Douze pièces de bayette ou frise.....
 Dix pièces de cotti ou treillis rayé de bleu
 Un paquet ou seize pièces de gros drap
 d'Ecosse, d'Amsterdam, de Flandres, ou
 de France.....
 Douze pièces de double maquie ou gros
 grain de Turquie.....
 24 pièces de carisée d'Osnabrouc, de gros
 grain, sarge d'Encquel, maquie, tripes,
 bombasin, sarge et tridaine
 Un tonneau de mercerie.....
 Douze livres de soye, franges, passement
 et gallon
 Seize livres de franges houpées
 Quatre douzaines de couvertures et ac-
 commodemens de lits, d'Angleterre, d'Es-
 pagne ou de Neuremberg.....

Trois quarts de Rist

2 quarts et demi
Ristaller.

quatre douzaines de couvertes pour che-
 vaux.....
 trente douzaines de lizières ou listes de
 drap
 cent paires de bas de fine carisée.....
 trente douzaines de bas de gros drap.....
 soixante douzaines de bas de laine.....
 cent chemisettes d'Ecosse.....
 un paquet ou tonneau de valeur de cent
 Ristallers.....
 douze paires de bas de soye.....
 cinquante paires de bas d'estame.....
 six livres de passement d'or ou d'argent....
 cent livres de soye cruë non teinte ny mise
 en œuvre

2 quarts et demi de
Ristaller.

Toiles.

un tonneau de toile de Hollande.....
 douze pièces de toile de Hollande ou de
 Silésie
 cent pièces de treillis de trois aulnes de
 large
 huit pièces de toile de Cambray.....
 huit pièces ou rouleaux de boudafit, ou ca-
 nevas du plus large, de France ou Dantzic
 vingt pièces d'encquel, boudafit et ca-
 nevas
 quarante pièces de peignoirs et toilettes
 vingt pièces de toiles ou draps.....
 vingt pièces de toiles de Pomeranie, ou
 draps de lit, et semblables.....
 douze pièces de camelot ondé, ou damas,
 vingt pièces de treillis.....
 trente pièces de toile de Stettin.....
 quarante pièces de toile, ou bure de Cracovie
 huit pièces de toile faite d'une certaine es-
 pèce de chanvre, dont la semence est noire,
 dite heden
 un millier d'aulnes de forte toile.....
 huit pièces de fin burail
 cinquante pièces de gros burail à lits.....
 huit balles de papier
 cinquante livres de fil retord
 seize pièces de draps de Cathun.....

2 quarts et demi de
Ristaller.

Drogues et Epicerics.

Une balle de trois cens livres de poivre	
Trois cens livres de gingembre	
Cent cinquante livres de gingembre confit ...	
Cent livres de clouds de girofles, canelle, muscade, fleur de muscade, folio et in- digue.....	
Huit livres de safran	
Un leth de raisins de Corinthe, ou trente-six cabats de figes, ou 1,600 livres	Trois quarts de Ristaller
Un tonneau de longs raisins, ou 400 livres...	
400 livres d'amaude.....	
800 livres de ris	
800 livres de grains de laurier.....	
400 livres de petun ou tabac	
400 livres de savon d'Espagne.....	
4 balles de savon blanc	
Un leth de savon	
400 livres de maniquette ou grains de Paradis	
Un tonneau ou balle de noix de galles de quatre cens livres.....	Un quart et demi de Ristaller.
Quatre balles de corinte, ou huit cens livres	
400 livres de dattes	
Deux boëttes de pruneaux, limons, capres, et olives.....	Trois quarts de Ristaller
Seize cens livres de pruneaux, dits Chevetz- schen.....	
Quatre cens livres de biscuit sucrin.....	
Quatre cens livres de sucre candi, ou con- fitures	Un quart et demi de Ristaller.
Un tonneau de sirop.....	
Quatre balles ou quatre cens livres d'anis ou cumin	Trois quarts de Ristal.
Un tonneau ou quaisse de cassonade de quatre cens livres.....	
Une double balle de cinabre de trois cens livres	Un Ristaller et demi.
Six balles de couleur d'almaroc, ou crap, de 800 livres	
Seize cens livres de sumac	
Quatre chiffund de rouge de Dantzic.....	Trois quarts de Ristaller
Six chiffund ou 1,800 livres de galamie	
Cent livres de cochenile	
Six cens livres de calamus	

Un leth de rouge ou couleur de Suède	Un Ristaller.
Un tonneau ou trois chiffund de vestum.....	Un quart et demi Ristal.
Un chiffund de vitriol ou couperose	Trois quarts de Ristaller
Un chiffund de blanc de plomb ou glede ...	
Un chiffund d'alun	
Un chiffund d'eau de vitriol	
Quatre livres de rottstain ou ambre mis en œuvre	
Quatre chiffund de limure d'ambre.....	
Un chiffund d'antimoine	
Quatre cens livres de gayac	
Quatre cens livres de rigalisse.....	Huit sols de Lubec.
Huit cens livres de gommi ou gallas	
Quatre chiffund de guesde pour les Teinturiers	
Un chiffund de guesde pour les Teinturiers	
Un chiffund d'amidon, ou un tonneau de trois cens livres.....	2 quarts et demi de Rist.
Un chiffund de graines de Paradis	
Un chiffund de bois de Brésil.....	
Un chiffund de gupel	Un quart et demi de Ristaller.
Un chiffund de colle	
Un tonneau d'huile de Lisbonne	Trois quarts de Ristaller
Un leth ou 8 ahmées d'huile de chenevis ou de navette	
Un leth ou huit ahmées d'huile de lin	
Un chiffund de vif argent.....	
Un baril de zuccat	Un quart et demi de Ristaller.
Un chiffund de pruneaux de Hongrie ...	Un quart et demi de Ristaller.
Un baril ou deux cens livres d'encens ou parfum	Un quart & demi de Rist.
Un chiffund de resine ou terebentine	Trois quarts de Ristaller

Vin, Hydromel, Bière, & Autres.

Tout vin de quelque sorte que ce puisse estre, qui n'est cy dessous spécifié, payera le trentième denier :	
Un baril d'eau de vie d'Espagne	Un demi Ristaller.
Une ahmée d'eau de vie du Rhin	
Une ahmée d'eau de vie de France.....	
Un tonnelet de vinaigre	Un Ristaller & demi:
Un leth d'hydromel	
Un baril de bière d'Angleterre, ou vinaigre de bière	Trois quarts de Ristaller
Un tonneau de double bière	

Six tonneaux de bière de Lubec	} Un quart & demi de Ristaller.
Un leth de bière de Rostock, Wismarche, ou de Stralesunde	
Quatre quaiſſes de verres de Venise	
Une corbeille de cruches & pots	} Trois quarts de Ristaller.
Quatre cens livres de dents d'Eléphants ou Yvoire	
Quarante estuits de flacons ou bouteilles....	

Toutes les charges qui ne sont spécifiées en la Liste cy-dessus, seront comptées ainsi qu'il est accoutumé entre Marchands, & suivant qu'il a esté observé de toute ancienneté.

Donné à Christianople, le 13ème d'Aoust, en l'an 1645.

ORDONNANCE du Roi de France, portant publication de la Convention, conclue à Paris, le 25 Avril, 1818, entre Sa Majesté Très Chrétienne et les Cours d'Autriche, de la Grande Bretagne, de Prusse, et de Russie ; pour la liquidation finale des Réclamations particulières envers le Gouvernement Français.—Paris, le 15 Juin, 1818.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, Salut.

Nous avons ordonné et ordonnons que la Convention suivante, conclue entre nous et les Cours d'Autriche, de la Grande Bretagne, de Prusse et de Russie, le 25 Avril, et ratifié à Paris les 23 et 28 Mai et 9 Juin de la présente année, sera insérée au Bulletin des Lois pour être exécutée suivant sa forme et teneur.

[See Convention. Page 179.]

Mandons et ordonnons que les présentes, revêtues du Sceau de l'Etat, insérées au Bulletin des Lois, soient adressées aux Cours, aux Tribunaux et aux Autorités Administratives, pour qu'ils les inscrivent dans leurs registres ; et notre Garde des Sceaux, Ministre de la Justice, est chargé d'en surveiller la publication.

Donné à Paris, le 15 jour du mois de Juin, de l'an de Grâce 1818, et de notre Règne le 24ème.

LOUIS.

Par le Roi :

Vu et scellé du Grand Sceau :
Le Garde des Sceaux de France,
Ministre et Secrétaire d'Etat au
Département de la Justice,
PASQUIER.

Le Ministre et Secrétaire d'Etat
au Département des Affaires
Etrangères, Président du Con-
seil des Ministres,
RICHELIEU.

ORDONNANCE du Roi de France, portant publication de la Convention conclue à Paris, le 25 Avril, 1818, entre Sa Majesté Très Chrétienne et Sa Majesté Britannique ; pour l'Arrangement final des Réclamations des Sujets de la Grande Bretagne.—Paris, le 15 Juin, 1818.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, Salut.

Nous avons ordonné et ordonnons que la Convention suivante, conclue entre Nous et le Roi du Royaume Uni de la Grande Bretagne d'Irlande, le 25 Avril, et ratifiée à Paris, le 23 Mai, de la présente année, sera insérée au Bulletin des Lois, pour être exécutée suivant sa forme et teneur.

[See Convention, Page 192.]

Mandons et Ordonnons que les présentes, revêtues du Sceau de l'Etat insérées au Bulletin des Lois, soient adressées aux Cours, aux Tribunaux et aux Autorités Administratives, pour qu'ils les inscrivent dans leurs Registres ; et notre Garde des Sceaux, Ministre de la Justice, est chargé d'en surveiller la publication.

Donné à Paris, le 15^e jour du mois de Juin, de l'an de Grâce 1818, de notre Règne le 24^{ème}.

LOUIS.

Par le Roi :

Vu et scellé du Grand Sceau : *Le Ministre et Secrétaire d'Etat au
Garde des Sceaux de France, Département des Affaires Etran-
Ministre et Secrétaire d'Etat au gères, Président du Conseil des
Département de la Justice, Ministres,*

PASQUIER.

RICHELIEU.

ORDONNANCE du Roi de France, portant publication de la Convention, conclue à Aix-la-Chapelle le 9 Octobre 1818, entre la France et l'Autriche, (et la Grande Bretagne, la Prusse, et la Russie) ; pour l'évacuation du Territoire Français, par les Troupes Alliées.—Paris, le 26 Octobre, 1818.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, Salut.

Nous avons ordonné et ordonnons que la Convention suivante, conclue entre Nous et Sa Majesté l'Empereur d'Autriche, le 9 du présent mois d'Octobre, et ratifiée à Paris le 13 du même mois, sera insérée au Bulletin des Lois, pour être exécutée selon sa forme et teneur.

[See Convention, Vol. 1818-19, Page 6.]

Mandons et ordonnons que les présentes, revêtues du Sceau del'Etat insérées au Bulletin des Lois, soient adressées aux Cours, aux Tribunaux et aux Autorités administratives, pour qu'ils les inscrivent dans leurs Registres; et notre Garde des Sceaux, Ministre de la Justice, est chargé d'en surveiller la publication.

Donné à Paris, le 26e jour du mois d'Octobre, de l'an de Grâce 1818, et de notre Règne le 24ème.

LOUIS.

Par le Roi :

Vu et scellé du Grand Scéau : *Le Ministre et Secrétaire d'Etat au
Le Garde des Sceaux de France, Département des Affaires Etran-
Ministre et Secrétaire d'Etat au gères, Président du Conseil des
Département de la Justice, Ministres,*

PASQUIER.

RICHELIEU.

*ACT of the British Parliament, " to extend and render more effectual the present regulations for the relief of Seafaring Men and Boys, Subjects of the United Kingdom of Great Britain and Ireland, in Foreign Parts."**

[58 Geo. III. Cap. 38.]

[28th May, 1818.]

WHEREAS by an Act passed in the 11th and 12th years of the Reign of King William the IIIrd, intituled ' An Act for the more effectual suppression of Piracy,' it is enacted, that in case any Master of a Merchant Ship or Vessel should, after the 29th day of September, 1700, during his being Abroad, force any man on shore, or wilfully leave him behind in any of His Majesty's Plantations or elsewhere, or should refuse to bring Home with him again, all such of the men which he carried out with him as should be in a condition to return, when he should be ready to proceed in his homeward-bound Voyage, every such Master should, being thereof legally convicted, suffer 3 months imprisonment without bail or mainprize; but no mode of prosecution is provided by the said Act in case of offences committed against the same: for remedy whereof be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, all offences committed against the said Act of the 11th and 12th years of the Reigu of King William the IIIrd shall and may be prosecuted by indictment or information, at the suit

* Repealed by Act 5 & 6 Will 4. Cap 19.—See Commercial Treaties, Vol. 4. Page 278.

of His Majesty's Attorney General, in His Majesty's Court of King's Bench at Westminster; and that in such indictment or information the offence or offences shall and may be alleged to have been committed at Westminster in the County of Middlesex; and that the said Court shall and the same is hereby authorized to issue a Commission or Commissions for the examination of Witnesses Abroad, and that the Depositions taken under such Commission or Commissions shall be received in evidence on the trial of such indictments and informations respectively.

II. And whereas by an Act passed in the 31st year of the Reign of His late Majesty King George the 1st, intituled "An Act for the encouragement of Seamen employed in the Royal Navy, and for establishing a regular method for the punctual, frequent, and certain payment of their wages, and for enabling them more easily and readily to remit the same for the support of their wives and families, and for preventing frauds and abuses attending such payments," it is enacted, that every Master or Person having charge of a Merchant Ship or Vessel that should arrive in Foreign Parts, and be homeward-bound from thence to any Port in Great Britain, should take on board such and so many seafaring Men or Boys, Subjects of Great Britain, as should, by shipwreck, capture, or other unavoidable accident, be given or cast away to, or that should be discharged as unserviceable from any of the Ships or Vessels of the Royal Navy, at Foreign Parts or Places where Governors, Ministers, and Consuls appointed by His Majesty, His Heirs or Successors, should reside, or where none such be resident, where any 2 or more British Merchants should reside, as the said Governors, Ministers, Consuls, or Merchants should direct, not exceeding 4 for each 100 tons of which his Ship should consist: that no penalty or mode of prosecution is imposed or provided by the said Act in case of neglect or refusal to obey the directions therein contained: for remedy whereof be it enacted, that from and after the passing of this Act, any Master or Person having the charge of any Merchant Ship or Vessel belonging to any of His Majesty's Subjects that shall be or arrive in any such Foreign Parts, and be bound from thence to any Port in the United Kingdom of Great Britain and Ireland, and who shall be required in writing under the hand or hands of any such Governor, Minister, Consul, or Merchants, to take on board any such seafaring Man or Boy, Men or Boys, being a Subject or Subjects of the said United Kingdom, not exceeding the number mentioned in the said Act, for the purpose of carrying and conveying him or them to the said Port in the said United Kingdom, and who shall neglect and refuse to take on board or to carry and convey him or them accordingly, shall for every such offence forfeit and pay the sum of £100. for each and every such Man or Boy whom he shall so neglect or neglect to take on board, and to carry and convey as aforesaid, to be recovered by information, at the suit of His Majesty's

Attorney General, in His Majesty's Court of King's Bench or Exchequer at Westminster; and that in such information the offence or offences shall and may be alleged to have been committed at Westminster in the County of Middlesex, and that the Court in which such information shall be brought shall be and the same is hereby authorized to issue a Commission or Commissions for the examination of Witnesses Abroad, and that the depositions taken under such Commission or Commissions shall be received in evidence on the trial of such information.

III. And be it further enacted, that if any Master or other Person having charge of any Merchant Ship or Vessel belonging to any of His Majesty's Subjects shall leave any seafaring Man or Boy on shore at any Foreign Port or Place, on account of sickness or any other inability to proceed on the Voyage, every such Master or Person having the charge of such Ship or Vessel shall deliver to the Governor, Minister, or Consul, if any there, or if not, then to 2 respectable Merchants at such Port or Place, a true and just account of the wages due to such seafaring Man or Boy, and pay the amount thereof, either in money, or by a Bill upon the Owner or Owners of such Ship or Vessel, to such Governor, Minister, Consul, or Merchants, as the case may be; and in default of his so doing, or in case of the Owner or Owners not accepting and paying such Bill when due, such Owner or Owners shall be liable to an action for the amount, with interest at the rate of £5. per centum per annum, to be brought in any of His Majesty's Courts of Record at Westminster or Dublin, or in His Majesty's Court of Exchequer in Scotland, at the suit of the holder or holders of such Bill, as for money had and received by such Owner or Owners to his or their use; but, in case of payment of such wages being duly made as required by this Act, the same, when received by the said Governor, Minister, Consul, or Merchants, as the case may be, shall be applied by him or them towards the payment of any hospital expences of such seafaring Man or Boy as aforesaid (except the charges for his subsistence), and also towards the payment of the expences of clothing, bedding, or other necessaries that may be supplied to him, and the remainder (if any) shall be paid to such seafaring Man or Boy.

IV. And be it further enacted, that if any such Master or other Person having charge of such Ship or Vessel, and leaving any such seafaring Man or Boy on shore as aforesaid, shall neglect or refuse to deliver a just and true account of the wages due to such seafaring Man or Boy as aforesaid, and to pay the amount thereof in money, or by such Bill as aforesaid; or shall deliver a false account of such wages or pay, less than the full and true amount thereof in manner aforesaid; every such Master or other Person so offending shall for every such offence forfeit and pay the sum of £20. to be recovered with full costs of suit by any Person or Persons who will sue for the same by action of debt.

bill, plaint, or information in any of His Majesty's Courts of Record at Westminster, wherein no essoign, protection, wager of Law, or more than one imparlance, shall be allowed; and that in such action, bill, plaint, or information, it shall be sufficient to allege that the offence or offences was or were committed at Westminster in the County of Middlesex; and that the Court in which such action, bill, plaint, or information is brought, shall be and the same is hereby authorized to issue a Commission or Commissions for the examination of Witnesses Abroad, and that the Depositions taken under such Commission or Commissions shall be received in evidence on the trial of such action, bill, plaint, or information respectively.

*ACT of the British Parliament, "to make further Regulations respecting the payment of Navy Prize Money, and to authorize the Governors of Greenwich Hospital to pay over certain Shares of Prize Money due to Russian Seamen to His Excellency the Russian Ambassador."**

58 Geo. III. Cap. 64.]

[3rd June, 1818.]

WHEREAS an Act passed in the 54th year of the Reign of His present Majesty, intituled "An Act for regulating the payment of Navy Prize Money, and the transmission of accounts, and payment of allowances to Greenwich Hospital:" and whereas it is expedient that Navy Prize Agents should, during the 3 months in which they are by the Laws now in force directed to distribute Navy prize or bounty money, grants, or other allowances of money to Officers, Non-commissioned Officers, Seamen, and Marines, pay the shares of such Non-commissioned Officers, Seamen and Marines, upon their personal application only; and that the payment upon Orders and written authorities should be confined to the Treasurer and Clerk of the Check of the Royal Hospital for Seamen at Greenwich: and whereas it is also expedient to make further provisions respecting Navy Prize Money: be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, so much of the said Act of the 54th year of His present Majesty as directs or authorizes the payment by any Navy Prize Agent, of any prize or bounty-money, grants, or other allowances of money, upon Orders made by Non-commissioned Officers, Seamen, and Marines, shall be and is hereby repealed.

II. And be it further enacted, that from and after the passing of

* See Act 10 Geo. IV. Cap. 26.

this Act, the payment of Prize Money upon Orders shall be confined to the Treasurer and Clerk of the Cheque of Greenwich Hospital, and that no Agent or Agents appointed for the distribution of any Navy Prize or Bounty Money, grant, or other allowances of money, whether arising from or given in consequence of conjunct expeditions or services by the Navy only, shall pay any Share or Shares of the Non-commissioned Officers, Seamen, or Marines, or Supernumeraries, entitled thereto, upon any Order or Letter of Attorney, or other written power or authority whatsoever, but shall pay the same to the said Non-commissioned Officers, Seamen, Marines, and Supernumeraries, upon their respective personal applications only, upon pain of forfeiting, for every payment made otherwise than as above directed, the sum of £50, to be recovered by and in the name of the Treasurer of the said Royal Hospital.

III. And be it further enacted, that from and after the passing of this Act, all Orders made by Non-commissioned Officers, Seamen, and Marines, and others entitled to prize or bounty-money, grants, or other allowances of money in the nature thereof, shall be in the form or to the effect set forth in the Schedule to this Act annexed marked (A,) and shall contain in the body of such Orders an exact account of the money and goods advanced by the Person in whose favour such Order is made, to the person making the same; and a Certificate shall be printed upon every paper containing such Order according to the form or to the effect set forth in the Schedule of this Act annexed marked (B,) and shall be duly filled up and attested as directed at the foot of the said Schedule; and the Treasurer and Clerk of the Cheque of the said Hospital shall pay upon every such Order, out of the money belonging to the Person making the same, so much as shall appear to be due to the Payee named therein, with legal interest thereon, and no more.

IV. And be it further enacted, that if any Person or Persons shall knowingly insert or cause to be inserted in any Order for the payment of prize-money, bounty-money, grants, or other allowances of money, payable by the Commissioners and Governors of the Royal Hospital for Seamen at Greenwich, or by their Treasurer, any other date than the day on which the said Order shall be executed, or shall knowingly present or utter any Order bearing any false date as aforesaid, such Person or Persons shall for every such offence be deemed guilty of a misdemeanor, and punished accordingly.

V. And be it further enacted, that if any Person or Persons really entitled to prize or bounty-money, pension-money, grant, or other allowance of money, on account of services on board of any Ship or Vessel, shall, by the production of any false Certificate, or by making any false representation, obtain or endeavour to obtain from the said Royal Hospital the said prize or bounty-money, pension-money, or

other allowances of money so due to him as aforesaid, such Person or Persons shall be deemed guilty of a misdemeanor, and shall forfeit all prize or bounty-money, pension-money, grant, or other allowance of money, due to him on account of his said services.

VI. And be it further enacted, that the proceeds of all Seizures made by Revenue Cruisers, or other Vessels employed in the service of the Revenue, but under Admiralty Orders, shall be subject to the same Rules, Laws, and Regulations with respect to forfeited and unclaimed shares, as prize and bounty money are liable to under this Act, or any other Acts which shall be in force at the passing of this Act relating to prize and bounty money.

VII. And whereas it is expedient that the payment of Bills for Outpensions, heretofore, by an Act passed in the 56th year of His present Majesty's Reign, intituled, "An Act for enabling the Officers in His Majesty's Navy, and their Representatives, to draw for and receive their Half-pay; and for transferring the duty of making certain payments from the Clerk of the Cheque at His Majesty's Dock-yards to the Clerks of the Treasurer of the Navy at the same Yards," authorized and directed to be made by the Clerks to the Treasurer of His Majesty's Navy, should be authorized to be made by the Deputy or Deputies of the Treasurers of the Royal Hospital for Seamen at Greenwich in the County of Kent; be it enacted, that from and after the passing of this Act, all Bills drawn by the Paymaster of Pensions at the said Royal Hospital, or under his authority, for the payment of Out-pensions, may be directed to and paid by any Deputy or Deputies to the Treasurer of the said Royal Hospital; and that all and every the clauses, provisions, pains, penalties, and regulations contained and now in force with respect to such payments of Pensions, when made or directed to be made by the said Clerks of the Treasurer of His Majesty's Navy, shall be applicable and applied to the payments of Pensions, made or directed or authorized to be made by the Deputy or Deputies of the Treasurer of the said Royal Hospital, as fully and effectually as if the same were herein and hereby repeated and re-enacted.

VIII. And be it further enacted, that from and after the passing of this Act, the Certificates upon all Bills drawn by the Treasurer or Deputy Treasurer of Greenwich Hospital, or by the Paymaster of Pensions, for the payment of any prize or bounty money, grant, pension, or other allowance of money in favour of any Person residing at any Port or Place at which a Deputy of the said Royal Hospital shall have been or shall be appointed, shall be attested by such Deputy, and by no other Person.

IX. And be it enacted, that it shall be lawful for every licensed Agent to send a list of all Orders which he may have received or shall hereafter receive from Non-commissioned Officers, Seamen, or Ma-

rines, to the Agent appointed for the distribution of any prize or prizes, bounty money, grant, or other allowances of money; which Orders, if deposited at Greenwich Hospital, shall not be revocable after distribution of the money to which they relate shall have commenced; and such distributing Agent shall not, after receiving any list as aforesaid, pay to the Non-commissioned Officers, Seamen, or Marines named therein, or any of them, the share or shares due to any of them respectively, but shall pay the same over, with the unclaimed and forfeited shares, to Greenwich Hospital, to be refunded by the Treasurer of the said Royal Hospital to the Non-commissioned Officers, Seamen, or Marines entitled thereto, or the Payees named in the said Orders respectively, in like manner as unclaimed shares are directed to be paid and refunded; and the said distributing Agents shall, upon the requisition of the Clerk of the Cheque of the said Royal Hospital, deliver to the said Clerk of the Cheque any Order which shall have been deposited in their hands by licensed Agents, to be kept at the said Royal Hospital; and such distributing Agent shall receive from the said Clerk of the Cheque a receipt for the same, and an undertaking to produce the same whenever the production thereof shall be deemed expedient.

X. And whereas certain Ships and Vessels belonging to His Imperial Russian Majesty acted in conjunction with a Squadron of British Ships and Vessels of War belonging to His Majesty, under the command of Admiral Sir Andrew Mitchell, on the attack of the Dutch Fleet in the Texel in the year 1799, and became entitled to share in the proceeds arising from the Captures made in the said expedition. And whereas the Agent for the said Captures did, in or about the month of December, 1810, pay into the Royal Hospital for Seamen at Greenwich the sum of £7,111 16s. 8½d., being the amount of certain shares unclaimed by the Officers, Seamen, and Marines of the said Ships of His Russian Majesty. And whereas it is deemed advisable to pay over the sum of £6,885 12s. 4¾d., the balance now remaining in the said Hospital, to His Excellency Count Lieven, Ambassador Extraordinary and Plenipotentiary of His Imperial Russian Majesty, or the Ambassador of His Imperial Russian Majesty for the time being at the Court of London, for the use of the Officers and Men entitled thereto; be it enacted, that it shall and may be lawful for the Directors of the said Royal Hospital for Seamen at Greenwich in the County of Kent, and they are hereby authorized and required, to cause to be paid over to the said Count Lieven, or the Ambassador from His Imperial Russian Majesty at the Court of London for the time being, out of the funds of the said Hospital, the said sum of £6,885 12s. 4¾d., the balance now remaining in the said Hospital, for the purpose of being distributed amongst such of the Officers and Crews of the said Ships and Vessels of His said Imperial Russian Majesty as shall

not heretofore have received their respective Shares of and in the proceeds of the said Captures.

XI. And be it further enacted, that upon payment of the said sum of £6,885 12s. 4½d. to the said Count Lieven, or to His Imperial Russian Majesty's Ambassador at the Court of London for the time being, the Commissioners and Governors of Greenwich Hospital shall be wholly indemnified and freed and discharged therefrom, and be no further liable or accountable for the same to any Person or Persons whatsoever.

SCHEDULE to which this Act refers.

A.

TAKE NOTICE, that no Prize Money can be received under this Order, except by an Agent duly licensed in conformity to the Act of Parliament of the 54th Year of King George III., or by the Wife, one of the Parents, or Children of the Grantor.

[Here insert the Place where and Time when the Order is made.]

Day of 18

AT Seven Days Sight pay to or his Order the
Sum of out of the amount of my
Share of Prize or Bounty Money for the Capture of

[Here insert the Names of the Prizes and time of Capture, or give such other description of them as shall be satisfactory to the Agent and the Officers of Greenwich Hospital.]

when serving on board His Majesty's Ship or Vessel the
in quality of being for £ advanced to me by
the said in Money, and £ for Slops or
Goods furnished to me by the said
To the proper Officers of }
Greenwich Hospital. }

B.

These are to certify, That we have examined the said who signed the above Order in our presence, and from the Documents he has shewn us, viz.

[Here insert the nature of the Documents, whether they are Invalid Tickets, Certificates, or otherwise, and by what Officer they are signed.]

and his Answers to our Questions, we have reason to believe that he was serving on board the said Ship at the time of making the Captures

above specified, and has received the Money and Slops above mentioned ; he says he was born at _____ in the County of _____ ; that he is _____ Years of Age, of a _____ Complexion, _____ Eyes, and _____ Hair,

[If the Party is discharged from the Service, state the time and cause of Discharge.]

Given under our Hands. }

Note.—This Certificate to be signed by the Captain or Commanding Officer, and one other Signing Officer, of the Ship to which the Party belongs.

If discharged from the Service, and resident at any Place where there is a Deputy or Agent of the Hospital, to be signed by that Deputy.

If within 4 Miles of the Hospital, by the Clerk of the Cheque, or his First Clerk.

If at any other Place within the Bills of Mortality, by the Officer for Prizes in the Navy Pay Office, or his Assistant.

If by Marines at Head Quarters, where there is no Deputy to the Hospital, to be signed by the Colonel or Commanding Officer, and the Adjutant.

If by any Person at Sick Quarters, to be signed by the Surgeon, and one of his Assistants ; but where there is a Deputy, to be signed by such Deputy.

If at any other Place in England, to be signed by the Minister and one of the Churchwardens ; and if in Scotland, by the Minister and one of the Elders.

*ACT of the British Parliament, “ to subject Foreigners to Arrest and Detention for Smuggling within certain distances of any of the Dominions of His Majesty ; for regulating Rewards to the Seizing Officers, according to the Tonnage of Vessels or Boats seized and condemned ; and for the further Prevention of the Importation of Tea without making due entry thereof with the Officers of Customs and Excise.”**

[58 Geo. III. Cap. 76]

[5th June, 1818.]

WHEREAS by an Act passed in the 45th year of His present Majesty's Reign, intituled “ An Act for the more effectual prevention of Smuggling,” it is enacted, that every Person, being a Subject of His Majesty, who shall be found or taken on board or discovered to have

* Repealed by Act 6 Geo. IV. Cap. 105,

been on board any Ship, Vessel, or Boat liable to forfeiture under any of the provisions of that Act, or liable to forfeiture under the provisions of any other Act or Acts, for being found or having been at anchor or hovering within any such distances of any of the Dominions of His Majesty, with such goods on board as subject such Ship, Vessel, or Boat, or Goods, to forfeiture, and who shall not prove that he was only a Passenger on board such Ship, Vessel, or Boat, and every Person found aiding or assisting in unshipping to be laid on land, or found carrying, conveying, concealing, or assisting in the carrying away, conveying, or concealing, any Foreign Brandy, Rum, Geneva, or Spirits subject to forfeiture under that Act, or any Law or Act relating to the Revenue of Customs or Excise in the United Kingdom, are liable to certain Penalties; and it is thereby made lawful for any Officer or Officers of the Army, Navy, Marines, Customs, or Excise, and he and they is and are thereby authorized, empowered, and required to stop, arrest, and detain every such Person, being a Subject of His Majesty, and to convey the said Person before one or more of His Majesty's Justices of the Peace residing near to the Port or Place into which such Ship, Vessel, or Boat shall be taken or carried, or near to the Place where any such Person shall be so taken or arrested, to be dealt with, proceeded against, or prosecuted in the manner therein directed; and by another Act passed in the 57th Year of His said Majesty's Reign, intituled, "An Act to amend 2 Acts, passed in the 45th year of His present Majesty, and in the last session of Parliament, for the making more effectual provision for the prevention of Smuggling," further provisions are made for proceeding against such Persons before Justices of the Peace: And whereas it is expedient to extend the provisions of the said recited Acts to all Persons who are not Subjects of His Majesty found within a certain distance of any of the Dominions of His Majesty: be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every Person, not being a Subject of His Majesty, who shall be found or taken on board, or discovered to have been on board any Ship, Vessel, or Boat, within one league of any of the Dominions of His Majesty, such Ship, Vessel, or Boat being liable to forfeiture under any of the provisions of the said recited Act passed in the 45th year of His present Majesty's Reign, or liable to forfeiture under the provisions of any other Act or Acts for being found or having been at anchor or hovering within any such distances of any of the Dominions of His Majesty, with such Goods on board as subject such Ship, Vessel, or Boat, or Goods, to forfeiture, and who shall not prove that he was only a Passenger on board such Ship, Vessel, or Boat; and every Person, not being a Subject of His Majesty, found within one league of any of the Dominions of His

Majesty aiding or assisting in unshipping to be laid on land, or found carrying or conveying, concealing, or assisting in carrying away, conveying, or concealing, any Foreign Brandy, Rum, Geneva, or Spirits subject to forfeiture under the said recited Act, or any Law or Act relating to the Revenue of Customs or Excise in the United Kingdom, shall forfeit for every such offence either treble the value of the goods that shall be found or taken from such Person or Persons, or the sum of £100, at the option and subject to the election and discretion of the Commissioners of Customs or Excise respectively, who shall direct any prosecution or suit to be commenced against any such Person; such penalty of treble the value, or of £100, as the case may be, to be recovered as any like penalty may be recovered under any Act or Acts relating to the revenue of Customs or Excise in the United Kingdom; and one half of every such penalty of treble the value or of £100, shall go and be applied to the use of the Person or Persons finding and taking and detaining such Person not being a Subject of His Majesty, or informing for the same; and such Person shall also be liable to such other punishment as may by any Law or Act of Parliament be inflicted on any such Offender; and it shall be lawful for any Officer or Officers of the Army, Navy, Marines, Customs, Excise, or Smuggling Preventive Boat Service, and he and they is and are hereby authorised, empowered, and required to stop, arrest, and detain every such Person, not being a Subject of His Majesty, and to convey the said Person before one or more of His Majesty's Justices of the Peace residing near to the Port or Place into which such Ship, Vessel, or Boat shall be taken or carried, or near to the Place where any such Person shall be so taken or arrested; and it shall be lawful for such Justice or Justices of the Peace before whom any such Person so arrested as aforesaid shall be carried, on the confession of any such Person of any such offence as aforesaid with which he may be charged in any information or complaint to be then and there laid or exhibited by any Officer of the Customs or Excise against him, or on proof thereof on the Oath of one or more credible Witness or Witnesses, to convict such Person in such penalty respectively as aforesaid; and every such Person so convicted as aforesaid, shall immediately on such conviction pay down into the hands of such Officer the said penalty in which he or she shall be so convicted; and if any such Person or Persons so convicted shall not forthwith pay down the said penalty, the said Justice or Justices shall, and he and they is and are hereby respectively authorized and required, by Warrant under his or their Hand and Seal, to commit the Person so convicted as aforesaid to any Gaol or Prison or House of Correction until such penalty shall be paid; and it shall be lawful for the Commissioners of the Customs or Excise in England, Scotland, or Ireland respectively, and they are hereby required, in cases where any such Person has been so convicted and committed to

Prison as aforesaid, to award to the Person so detaining any such Man or Men any sum not exceeding £20 for each Man so convicted and committed to Prison.

And whereas by an Act made in the 56th year of the Reign of His present Majesty, for, amongst other things, making more effectual provision for the prevention of Smuggling, and rewarding Officers and Persons making seizures and capturing Smuggling Vessels, certain rewards were allowed and made payable on the value at which the goods, wares, or merchandize therein mentioned, seized by any officer or Officers, should be respectively estimated or fixed by the Commissioners of Customs or Excise respectively ordering and directing the prosecution: and whereas doubts have arisen whether such rewards allowed and made payable by the said last-recited Act as aforesaid, repealed or took away the rewards respectively granted and made payable by a certain Act made in the 28th year of the Reign of His present Majesty, for, amongst other things, amending several Laws relating to the Revenue of Customs; and by a certain other Act made in the 29th year of the Reign of His present Majesty, for repealing the duties on Tobacco and Snuff, and for granting new duties in lieu thereof; and of another Act made in the 47th year of the Reign of His present Majesty, for making more effectual provision for the prevention of Smuggling, for or in respect of the seizure of any Vessel or Boat which by Law should be liable to be broken up after condemnation, and not be used in His Majesty's Service, or sold to be employed or used as a Privateer in the manner therein mentioned, or which, on account of the built, construction, denomination, or description thereof, should be liable to forfeiture by any Act or Acts of Parliament, to be broken up, and which at the time of seizure should be found in ballast or light, such rewards being by the said Acts respectively made payable at and after certain rates, according to the tonnage of the Vessel or Boat seized and condemned; and it is expedient to remove such doubts; be it therefore declared and enacted, that the said rewards so granted and made payable by the said Act made in the 56th year aforesaid, do not repeal or take away, and shall not be deemed or construed to repeal or take away the said tonnage rewards respectively granted by the said recited Acts of the 28th, 29th, and 47th years aforesaid; but that the said recited tonnage rewards respectively granted and made payable by the said last-mentioned Acts shall be allowed, and payable and paid, in all cases to which the same respectively apply, in the same manner as if the said recited Act of the 56th year aforesaid, or a certain other Act made in the 57th year of the Reign of His said Majesty, for the amendment thereof, had not been made; any thing in the same or any other Act to the contrary notwithstanding.

III. And whereas by an Act made in the 10th year of the Reign of His late Majesty King George the 1st., for, amongst other things, repealing certain duties therein-mentioned, payable upon Tea imported, and for granting certain Inland Duties in lieu thereof, it was enacted, that if any Person or Persons should import or bring any Tea which ought to be secured in such warehouse as therein aforesaid into Great Britain, and should not make due entry thereof and bring the same into such warehouse, the same should be and was thereby adjudged to be clandestinely run and unlawfully imported: and whereas it is expedient, for the prevention of the smuggling of Tea, to impose further penalties in that behalf; be it therefore further enacted, that if any Person or Persons shall import or bring into, or unship or land, in Great Britain, or within the limits of any of the Ports thereof, any Tea which ought by Law to be entered with the proper Officers of Customs and Excise respectively, and shall not make due entries thereof, so that the Duties of Customs and Excise granted and imposed in respect of Tea may be respectively secured and paid for, and in respect thereof, all such Tea so imported, brought, unshipped, or landed, shall be deemed and is hereby adjudged to be clandestinely run, and shall be forfeited, and shall and may be seized by any Officer of Customs or Excise; and the Person or Persons so offending, or aiding or assisting therein, or removing, receiving, harbouring, or concealing any run Tea, shall, for each and every such offence, severally forfeit and lose the sum of £10 for every pound weight thereof, or the sum of £100 at the election of His Majesty's Attorney-General, or the Person or Persons who shall sue or prosecute for the same; and no such penalty shall be mitigated by any Justice or Justices below one-fourth part thereof; any thing in any other Act or Acts to the contrary notwithstanding.

IV. And be it further enacted, that all fines, penalties, and forfeitures imposed by this Act, and also by the lastmentioned Act made in the 57th year aforesaid, shall be sued for, recovered, levied, or mitigated by such ways, means, or methods as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated by any Law or Laws of Excise, or by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland respectively; and that, unless where otherwise specially directed, one moiety of every such fine, penalty, or forfeiture shall be to His Majesty, His Heirs and Successors, and the other moiety to him, her, or them who shall discover, inform, or sue for the same.

*ACT of the British Parliament, "to permit the Importation of certain Articles into His Majesty's Colonies or Plantations in the West Indies, or on the Continent of South America; and also certain Articles into certain Ports in the West Indies;" from certain Foreign Possessions.**

8 Geo. III. Cap. 27.]

[23rd May, 1818.]

WHEREAS it is expedient to allow the Importation of certain Articles into His Majesty's Colonies or Plantations in the West Indies, or on the Continent of South America; be it therefore enacted by the King's Most Excellent Majesty,¹ by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to import Tobacco, Rice, Grain, Peas, Beans, and Flour, into any of His Majesty's Colonies or Plantations in the West Indies, or on the Continent of South America, for the supply of the Inhabitants thereof, in British-built Ships owned, registered, and navigated according to Law, from any Colony or Possession in the West Indies, or on the Continent of America, under the dominion of any Foreign *European* Sovereign or State.

II. And be it further enacted, that it shall and may be lawful to import Peas and Beans, being the growth or production of any of the Colonies or Possessions in the West Indies, or on the Continent of America, belonging to or under the dominion of any Foreign *European* Sovereign or State, into any of the Ports in His Majesty's Colonies or Plantations in the West Indies, enumerated in an Act passed in the 45th Year of the Reign of His present Majesty, intituled "An Act to consolidate and extend the several Laws now in force for allowing the Importation and Exportation of certain Goods and Merchandize into and from certain Ports in the West Indies;" and in another Act, passed in the 46th Year of the Reign of His said Majesty, intituled "An Act for enabling His Majesty to permit the Importation and Exportation of certain Goods and Commodities into and from the Port of Road Harbour in the Island of Tortola;" and likewise in another Act, passed in the 49th Year of His present Majesty's Reign, intituled "An Act for allowing the Importation and Exportation of certain Goods and Commodities into and from the Port of Falmouth, in the Island of Jamaica;" and in another Act, passed in the 52nd Year of His said Majesty's Reign, intituled "An Act for allowing certain Articles to be imported into the Bahama Islands, and exported therefrom in Foreign Vessels, and for encouraging the Exportation of Salt from the said Islands;" and in another Act, passed in the 57th Year of the Reign of His said Majesty, intituled "An Act to extend several Acts for allowing the Importation and Exportation of certain

* Repealed by Act 3 Geo. 4. Cap. 44.

Goods and Merchandize to Porta Maria in the Island of Jamaica, and to the Port of Bridge Town in the Island of Barbadoes ;" in Vessels of the like description, and subject to the like Rules, Regulations, and Restrictions as are required by the aforesaid Acts, permitting certain Articles to be imported into the Ports enumerated therein, and in Vessels of the like description, and subject to the like Rules, Regulations, and Restrictions as are required in an Act passed in the 50th Year of His said Majesty's Reign, intituled " An Act for amending and continuing so amended until the 25th day of March, 1812, an Act of the 45th Year of His present Majesty, for consolidating and extending the several Laws in force for allowing the Importation and Exportation of certain Goods and Merchandize into and from certain Ports in the West Indies ;" which was afterwards continued, by an Act passed in the 52nd Year of His said Majesty's Reign, until the 25th day of March, 1814, and revived and made perpetual by another Act, passed in the 54th Year of the Reign of His said Majesty, intituled " An Act to revive and make perpetual certain Acts for consolidating and extending the several Laws in force for allowing the Importation and Exportation of certain Articles into and from certain Ports in the West Indies."

SECRET RESOLUTION AND ACTS of the Congress of The United States, passed in 1811 and 1813 ;—(Published by the Government of The United States, 5th January, 1818)—and Correspondence, in 1810 and 1811, between Great Britain and The United States ;—relative to the occupation of the Floridas, by the American Forces.

(A.) *Resolution and Acts of Congress.*—1811, 1813.

[The injunction of secrecy under which the following Resolution and Laws were passed, having been long since removed by the enacting Authority, it is deemed unnecessary that they should be longer withheld from the public eye. They are now, therefore, published.—*National Intelligencer*, 5th January, 1818.]

BY AUTHORITY.

(1.)—*Resolution of Congress.* 15th January, 1811.

Taking into view the peculiar situation of Spain, and of her American Provinces ; and considering the influence which the destiny of the Territory adjoining the Southern border of The United States may have upon their security, tranquillity, and commerce ; Therefore,

Resolved, by the Senate and House of Representatives of The United States of America, in Congress assembled, that The United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said Territory pass into

the hands of any Foreign Power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said Territory; they at the same time declare that the said Territory shall, in their hands, remain subject to future Negotiation.

J. B. VARNUM,

Speaker of the House of Representatives.

GEO. CLINTON,

Vice-President of The United States, and President of the Senate.

January 15, 1811.—Approved,

JAMES MADISON.

(2.)—*Act of Congress. 15th January, 1811.*

An Act to enable the President of The United States, under certain contingencies, to take possession of the Country lying East of the River Perdido, and South of the State of Georgia and the Mississippi Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of The United States be, and he is hereby authorised to take possession of, and occupy, all or any part of the Territory lying East of the River Perdido, and South of the State of Georgia and the Mississippi Territory, in case an arrangement has been, or shall be, made with the local Authority of the said Territory, for delivering up the possession of the same, or any part thereof, to The United States, or in the event of an attempt to occupy the said Territory, or any part thereof, by any Foreign Government; and he may, for the purpose of taking possession, and occupying the Territory aforesaid, and in order to maintain therein the authority of The United States, employ any part of the Army and Navy of The United States, which he may deem necessary.

Sec. 2. Be it further enacted, that 100,000 dollars be appropriated for defraying such expences as the President may deem necessary for maintaining possession as aforesaid, and the security of the said Territory, to be applied under the direction of the President, out of any monies in the Treasury not otherwise appropriated.

3. Be it further enacted, that in case possession of the Territory aforesaid shall be obtained by The United States, as aforesaid, that until other provision be made by Congress, the President be and he is hereby authorized, to establish, within the Territory aforesaid, a temporary Government, and the military, civil, and judicial powers thereof shall be vested in such Person and Persons, and be exercised in such manner, as he may direct, for the protection and maintenance of the

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3 B

Inhabitants of the said Territory in the full enjoyment of their liberty, property, and religion.

J. B. VARNUM,

Speaker of the House of Representatives.

GEO. CLINTON,

Vice-President of The United States, and President of the Senate.

January 15, 1811.—Approved,

JAMES MADISON.

(3.)—*Act of Congress.*—3rd March, 1811.

An Act concerning an Act to enable the President of The United States, under certain contingencies, to take possession of the Country lying East of the River Perdido, and South of the State of Georgia and the Mississippi Territory, and for other purposes, and the Declaration accompanying the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act, and the Act passed during the present Session of Congress, entitled “An Act to enable the President of The United States, under certain contingencies, to take possession of the Country lying East of the River Perdido, and South of the State of Georgia and the Mississippi Territory, and for other purposes,” and the Declaration accompanying the same, be not printed or published until the end of the next Session of Congress, unless directed by the President of The United States, any Law or usage to the contrary notwithstanding.

J. B. VARNUM,

Speaker of the House of Representatives.

JOHN POPE,

President of the Senate, pro tempore.

March 3, 1811.—Approved,

JAMES MADISON.

(4.)—*Act of Congress.*—12th February, 1813.

An Act authorizing the President of The United States to take possession of a Tract of Country lying South of the Mississippi Territory, and West of the River Perdido.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the President be, and he is hereby authorized to occupy and hold all that Tract of Country called West Florida, which lies West of the River Perdido, and not now in possession of The United States.

Sec. 2. And be it further enacted, that for the purpose of occupying and holding the Country aforesaid, and of affording protection to the Inhabitants thereof, under the authority of The United States, the

ent may employ such parts of the Military and Naval Force of United States as he may deem necessary.

c. 3. And be it further enacted, that, for defraying the necessary es, 20,000 dollars are hereby appropriated, to be paid out of onies in the Treasury not otherwise appropriated, and to be to the purposes aforesaid, under the direction of the President.

H. CLAY,

Speaker of the House of Representatives.

WM. H. CRAWFORD,

President of the Senate, pro tempore.

ry 12, 1813.—Approved,

JAMES MADISON.

Correspondence between Great Britain and The United States.—
1810, 1811.

(1).—*J. P. Morier, Esq. to the Secretary of State.*

Washington, 15th December, 1810.

SEEM it to be a duty incumbent on me, considering the strict and alliance which subsists between His Majesty's Government and Spain, to express to the Government of The United States, on your, the deep regret with which I have seen that part of the President's Message to Congress, in which the determination of this Government to take possession of West Florida is avowed.*

Without presuming to discuss the validity of the Title of The United States to West Florida, a Title which is manifestly doubtful, since,

Extract of Message of the President of The United States, on the Opening of Congress, 5th December, 1810.

AMONG the events growing out of the state of the Spanish Monarchy, our attention was imperiously attracted to the change, developing itself in that portion of Florida, which, though of right appertaining to The United States, had remained in possession of Spain, awaiting the result of Negotiations for its actual delivery to The Spanish Authority was subverted, and a situation produced, exposing the Government to ulterior events, which might essentially affect the rights and welfare of the United States. In such a conjuncture, I did not delay the interposition required for the occupation of the Territory west of the River Perdido, to which the Title of The United States extends, and to which the Laws, provided for the Territory of Orleans, are applicable.

With this view, the Proclamation, of which a Copy is laid before you, was issued to the Governor of that Territory, to be carried into effect. The legality and propriety of the course pursued, assure me of the favourable light in which it will present itself to the Legislature, and of the promptitude with which they will supply whatever may be due to the essential rights and equitable interests of the People thus introduced into the bosom of the American Family."

according to the President's Proclamation, it is left open to discussion, but which has, nevertheless, been brought forward as one of the pleas to justify the occupation of that Province; may it not be asked, why it could not have been as fairly a subject of Negotiation and adjustment in the hands of the Spaniards, who possess the actual Sovereignty there, as in the hands of the Americans, who, to obtain possession, must begin by committing an act of hostility towards Spain?

But it may be said, that the Spanish Forces in Mexico, in Cuba, or at Pensacola, are unequal to quelling the rebellious association of a Band of Desperadoes, who are here known by the contemptuous appellation of Land-Jobbers. Allowing as much (which you will agree with me, Sir, is allowing a great deal), would it not have been worthy of the generosity of a free Nation like this, bearing, as it doubtless does, a respect for the rights of a gallant People, at this moment engaged in noble struggles for its liberty; would it not have been an act, on the part of this Country, dictated by the sacred ties of good neighbourhood, and of friendship which exist between it and Spain, to have simply offered its assistance to crush the common Enemy of both, rather than to have made such interference the pretext for wresting a Province from a friendly Power, and that in the time of her adversity?

For allow me, Sir, to inquire, how can the declaration in the President's Proclamation, "That, in the hands of The United States, that Territory will not cease to be a subject of fair and friendly adjustment," be made to accord with the declaration in his Message to Congress (implying permanent possession) of the "adoption of that People into the bosom of the American Family?"

The act, consequently, of sending a Force to West Florida, to secure by arms what was before a subject of friendly Negotiation, cannot, I much fear, under any palliation, be considered other than as an act of open hostility against Spain.

Whilst, therefore, it is impossible to disguise the deep and lively interest which His Majesty takes in every thing that relates to Spain, which would, I am convinced, induce Him to mediate between Spain and The United States, on any point of controversy which may exist between them, with the utmost impartiality and good will towards both parties, I think it due to the sincere wish of His Majesty to maintain unimpaired the friendship which at this moment happily subsists between Great Britain and The United States, to say, that such are the ties by which His Majesty is bound to Spain, that he cannot see with indifference any attack upon her interests in America. And, as I have no doubt that the Government of The United States will attribute this representation to the most conciliatory motives, I am induced to request, in answer to it, such explanations on the subject, as will at once convince His Majesty's Government of the pacific disposition of The

United States towards his Allies the Spaniards, and will remove the contrary impression, which, I fear, the President's Message is likely to make.

I have the honour to be, &c.

The Hon. Robert Smith.

J. P. MORIER.

(2.)—*The Secretary of State to J. P. Morier, Esq.*

SIR,

Department of State, 28th December, 1810.

TAKING into view the subject and the circumstances of your Letter, of the 15th instant, I have, in acknowledging it, only to remark to you, that, although it is sufficiently evident, from the face of the Documents before the Public, that no hostile or unfriendly purpose is entertained towards Spain, the only Power known to The United States in the transaction, yet our Functionary at London has been enabled to give your Government whatever explanations may comport with the frankness and the spirit of conciliation which have been invariably manifested on the part of The United States.

I have the honor to be, &c.

J. P. Morier, Esq.

R. SMITH.

(3)—*A. J. Foster, Esq. to the Secretary of State.*

SIR,

Washington, 2nd July, 1811.

THE attention of His Majesty's Government has of late been called to the measures pursued by The United States, for the military occupation of West Florida. The language held by the President, at the opening of the late Session of Congress, the hostile demonstrations made by the American Forces under Captain Gaines, the actual summoning of the Fort of Mobile, and the Bill submitted to the approbation of the American Legislature, for the interior administration of the Province, are so many direct and positive proofs that the Government of America is prepared to subject the Province of West Florida to the authority of The United States.

The Spanish Minister in London addressed a Note, in the month of March last, to His Majesty's Secretary of State for Foreign Affairs, expressing in sufficient detail the feelings of the Government of Spain, respecting this unprovoked aggression on the integrity of that Monarchy.

Mr. Morier, in his Note to Mr. Smith of December 15th, 1810, has already reminded the American Government of the intimate alliance subsisting between His Majesty and Spain, and he has desired such explanations on the subject, as might convince His Majesty of the pacific disposition of The United States towards Spain. Mr. Smith in his reply has stated, that it was evident that no hostile or unfriendly purpose was entertained by America towards Spain; and that the American Minister at His Majesty's Court, had been enabled to make whatever explanations might comport with the frank and conciliatory spirit which had been invariably manifested on the part of The United States.

Since the date of this Correspondence, Mr. Pinkney has offered no explanation whatever, of the motives which have actuated the conduct of The United States in this transaction; a Bill has been introduced into Congress for the establishment, government, and protection of the Territory of the Mobile, and the Fortress of that name has been summoned, without effect.

His Royal Highness The Prince Regent, in the name and on the behalf of His Majesty, is still willing to hope, that the American Government has not been urged to this step by ambitious motives, or by a desire of Foreign conquest, and Territorial aggrandizement. It would be satisfactory, however, to be enabled to ascertain that no consideration, connected with the present state of Spain, has induced America to despoil that Monarchy of a valuable Foreign Colony.

The Government of The United States contends that the right to the possession of a certain part of West Florida, will not be less open to discussion in the occupation of America, than under the Government of Spain.

But the Government of The United States, under this pretext, cannot expect to avoid the reproach, which must attend the ungenerous and unprovoked seizure of a Foreign Colony, while the Parent State is engaged in a noble contest for Independence, against a most unjustifiable and violent invasion of the rights both of the Monarch and People of Spain.

While I wait, therefore, for an explanation from you, Sir, as to the motives which led to this unjust aggression by The United States, on the Territories of His Majesty's Ally, I must consider it as my duty to lose no time in fulfilling the Orders of His Royal Highness The Prince Regent, by which I am commanded, in the event of its appearing on my arrival in this City, that The United States still persevere by menaces and active demonstration to claim the military occupation of West Florida, notwithstanding the remonstrances of His Majesty's Chargé d'Affaires, and the manifest injustice of the act, to present to you the solemn Protest of His Royal Highness, in the name and on the behalf of His Majesty, against an attempt so contrary to every principle of public justice, faith, and national honor, and so injurious to the alliance subsisting between His Majesty and the Spanish Nation.

I have the honor to be, &c.

The Hon. James Monroe.

AUG. J. FOSTER.

(4.)—*The Secretary of State to A. J. Foster Esq.*

SIR,

Department of State, 8th July, 1811.

I HAVE had the honor to receive the Note which you have presented, by the Order of His Royal Highness the Prince Regent, to protest, in behalf of the Regency of Spain, against the possession lately taken, by The United States, of certain parts of West Florida.

Although the President cannot admit the right of Great Britain to interfere in any question relating to that Province, he is willing to explain, in a friendly manner, the considerations which induced The United States to take the step, against which you have been ordered to protest.

It is to be inferred from your view of the subject, that the British Government has been taught to believe, that The United States seized a moment of national embarrassment, to wrest from Spain a Province to which they had no right, and that they were prompted to it by their interest alone, and a knowledge that Spain could not defend it. Nothing, however, is more remote from the fact, than the presumption on which your Government appears to have acted. Examples of so unworthy a conduct, are unfortunately too frequent in the history of Nations; but The United States have not followed them. The President had persuaded himself that the unequivocal proofs which The United States have given, in all their transactions with Foreign Powers, and particularly with Spain, of an upright and liberal policy, would have shielded them from so unmerited a suspicion. He is satisfied that nothing is wanting but a correct knowledge of facts, completely to dissipate it.

I might bring to your view a long catalogue of injuries, which The United States have received from Spain, since the conclusion of their Revolutionary War, any one of which would most probably have been considered cause of War, and resented as such, by other Powers. I will mention two of these only; the spoliations that were committed on their commerce to a great amount in the last War, and the suppression of their Deposit at New Orleans just before the commencement of the present War, in violation of a solemn Treaty; for neither of which injuries has any reparation or atonement been made. For injuries like those of the first class, it is known to you that Great Britain and France made indemnity. The United States, however, do not rely on these injuries for a justification of their conduct in this transaction; although their claims to reparation for them are by no means relinquished, and, it is to be presumed, will not always be neglected.

When I inform you that the Province of West Florida, to the Perdido, was a part of Louisiana, while the whole Province formerly belonged to France; that although it was afterwards separated from the other part, yet that both parts were again re-united, in the hands of Spain, and by her re-conveyed to France, in which state the entire Province of Louisiana was ceded to The United States, in 1803; that in accepting the Cession, and paying for the Territory ceded, The United States understood and believed that they paid for the Country as far as the Perdido, as part of Louisiana; and that, on a conviction of their right, they included in their Laws provisions adapted to the Cession in that extent; it cannot fail to be a cause of surprise to the Prince

Regent, that they did not proceed to take possession of the Territory in question as soon as the Treaty was ratified. There was nothing in the circumstances of Spain, at that time, that could have forbidden the measure. In denying the right of The United States to this Territory, her Government invited Negotiation on that and every other point, in contestation between the Parties. The United States accepted the invitation, in the hope that it would secure an adjustment, and reparation for every injury which had been received, and lead to the restoration of perfect harmony between the 2 Countries; but in that hope they were disappointed.

Since the year 1805, the period of the last Negotiation with Spain, the Province of West Florida has remained in a situation altogether incompatible with the welfare of these States. The Government of Spain has scarcely been felt there; in consequence of which the affairs of that Province had fallen into disorder. Of that circumstance, however, The United States took no advantage. It was not until the last year, when the Inhabitants, perceiving that all authority over them had ceased, rose in a body with intention to take the Country into their own hands, that the American Government interposed. It was impossible for The United States to behold with indifference a movement in which they were so deeply interested. The President would have incurred the censure of the Nation if he had suffered that Province to be wrested from The United States, under a pretext of wresting it from Spain. In taking possession of it, in their name, and under their authority, except in the part which was occupied by the Spanish Troops, who have not been disturbed, he defended the rights and secured the peace of the Nation, and even consulted the honor of Spain herself. By this event, The United States have acquired no new title to West Florida. They wanted none. In adjusting hereafter all the other points which remain to be adjusted with Spain, and which it is proposed to make the subject of amicable Negotiation as soon as the Government of Spain shall be settled, her claim to this Territory may also be brought into view, and receive all the attention which is due to it.

Aware that this transaction might be misconceived and misrepresented, the President deemed it a proper subject of instruction to the Ministers of The United States at Foreign Courts, to place it in a true light before them. Such an Instruction was forwarded to Mr. Pinkney, their late Minister Plenipotentiary at London, who would have executed it, had not the termination of his Mission prevented it.

The President cannot doubt that the frank and candid explanation which I have now given, by his order, of the considerations which induced The United States to take possession of this Country, will be perfectly satisfactory to His Royal Highness the Prince Regent.

With great respect and consideration, I have, &c.

Augustus J. Foster, Esq.

JAS. MONROE.

(5.)—*Augustus J. Foster, Esq. to the Secretary of State.*

SIR, *Philadelphia, 5th September, 1811.*

THE Chevalier d'Onis, who has been appointed Minister from His Catholic Majesty to The United States, has written to inform me, that he understands by Letters from the Governor of East Florida, under date of the 14th ultimo, that Governor Matthews, of the State of Georgia, was at that time at Newtown, St. Mary, on the Frontiers of Florida, for the purpose of treating with the Inhabitants of that Province for its being delivered up to The United States' Government; that he was with this view using every method of seduction to effect his purpose, offering to each White Inhabitant who would side with him, 50 acres of land and the guarantee of his religion and property; stipulating also that the American Government would pay the debts of the Spanish Government, whether due in pensions or otherwise; and that he would cause the Officers and Soldiers of the garrisons to be conveyed to such place as should be indicated, provided they did not rather choose to enter into the service of The United States.

M. d'Onis has done me the honor to communicate to me a Note which he purposes transmitting to you, Sir, in consequence of this detailed and most extraordinary intelligence; and considering the intimate alliance subsisting between Spain and Great Britain, as well as the circumstances under which he is placed in this Country, he has urgently requested that I would accompany his Representation with a Letter on my part in support of it.

After the solemn asseverations which you gave me in the month of July, that no intentions hostile to the Spanish interests in Florida existed on the part of your Government, I am wholly unable to suppose that General Matthews can have had Orders from the President for the conduct which he is stated to be pursuing; but the measures he is said to be taking in corresponding with Traitors, and in endeavoring by bribery and every art of seduction to infuse a spirit of rebellion into the Subjects of the King of Spain in those quarters, are such as to create the liveliest inquietude, and to call for the most early interference on the part of the Government of The United States.

The Government of the United States are well aware of the deep interest which His Royal Highness The Prince Regent takes in the security of Florida, for any attempt to occupy the Eastern part of which by The United States, not even the slightest pretexts could be alleged, such as were brought forward in the endeavor to justify the aggression on West Florida.

I conceive it therefore to be my duty, Sir, in consideration of the alliance subsisting between Spain and Great Britain, and the interests of His Majesty's Subjects in the West India Islands, so deeply in-

volved in the security of East Florida, as well as in pursuance of the Orders of my Government in case of any attempt against that Country, to lose no time in calling upon you for an explanation of the alarming steps which Governor Matthews is stated to be taking for subverting the Spanish Authority in that Country; requesting to be informed by you upon what authority he can be acting, and what measures have been taken to put a stop to his proceedings.

I have the honor to be, &c.

The Hon. James Monroe.

AUG. J. FOSTER.

(6.)—*The Secretary of State to A. J. Foster, Esq.*

SIR,

Philadelphia, 2nd November, 1811.

I HAVE had the honor to receive your Letter of September 6th, and to submit it to the view of the President.

The principles which have governed The United States in their measures relative to West Florida, have already been explained to you. With equal frankness I shall now communicate the part they have acted with respect to East Florida.

In the Letter which I had the honor to address to you on the 8th of July, I stated the injuries which The United States had received from Spain since their Revolutionary War, and particularly by spoliations on their commerce, in the last War, to a great amount, and of the suppression of their right of Deposit at New Orleans just before the commencement of the present War, for neither of which had reparation been made. A claim to indemnity for those injuries, is altogether unconnected with the question relating to West Florida, which was acquired by Cession from France, in 1803.

The Government of Spain has never denied the right of The United States to a just indemnity for spoliations on their commerce. In 1802, it explicitly admitted this right by entering into a Convention, the subject of which was to adjust the amount of the claim, with a view to indemnity. The subsequent injury, by the suppression of the Deposit of New Orleans, produced an important change in the relations between the Parties, which has never been accommodated. The United States saw in that measure imminent cause of War; and, that War did not immediately follow it, cannot be considered in any other light than as a proof of their moderation and pacific policy. The Executive could not believe that the Government of Spain would refuse to The United States the justice due for these accumulated injuries, when the subject should be brought solemnly before it by a Special Mission. It is known that an Envoy Extraordinary was sent to Madrid, in 1805, on this subject, and that the Mission did not accomplish the object intended by it.

It is proper to observe that, in the Negotiation with Spain, in 1805, the injuries complained of by The United States, of the first class, were

again substantially admitted, to a certain extent, as was that also occasioned by the suppression of the Deposit at New Orleans, although the Spanish Government, by disclaiming the act, and imputing it to the Intendant, sought to avoid the responsibility due from it; that to make Indemnity to The United States for injuries of every kind, a cession of the whole Territory claimed by Spain, Eastward of the Mississippi, was made the subject of Negotiation, and that the amount of the sum demanded for it, was the sole cause that a Treaty was not then formed, and the Territory added.

The United States have considered the Government of Spain indebted to them a greater sum for the injuries above stated, than the Province of East Florida can, by any fair standard between the Parties, be estimated at. They have looked to this Province for their indemnity, and with the greater reason, because the Government of Spain itself has countenanced it. That they have suffered their just claims to remain so long unsatisfied, is a new and strong proof of their moderation, as it is of their respect for the disordered condition of that Power. There is, however, a period beyond which those claims ought not to be neglected. It would be highly improper for The United States, in their respect for Spain, to forget what they owe to their own character, and to the rights of their injured Citizens.

Under these circumstances, it would be equally unjust and dishonorable in The United States to suffer East Florida to pass into the possession of any other Power. Unjust, because they would thereby lose the only indemnity within their reach, for injuries which ought long since to have been redressed. Dishonorable, because in permitting another Power to arrest from them that indemnity, their inactivity and acquiescence could only be imputed to unworthy motives. Situated as East Florida is, cut off from the other Possessions of Spain, and surrounded in a great measure by the Territory of The United States; and having also an important bearing on their commerce, no other Power could think of taking possession of it, with other than hostile views to them. Nor could any other Power take possession of it without endangering their prosperity and best interests.

The United States have not been ignorant or inattentive to what has been agitated in Europe at different periods since the commencement of the present War, in regard to the Spanish Provinces in this Hemisphere; nor have they been unmindful of the consequences into which the disorder of Spain might lead in regard to the Province in question, without due care to prevent it. They have been persuaded, that remissness on their part might invite the danger, if it had not already done it, which it is so much their interest and desire to prevent. Deeply impressed with these considerations, and anxious, while they acquitted themselves to the just claims of their Constituents, to preserve friendship with other Powers, the subject was brought before the

Congress at its last Session, when an Act was passed, authorising the Executive to accept possession of East Florida from the Local Authorities, or to take it against the attempt of a Foreign Power to occupy it; holding it in either case subject to future and friendly Negotiation. This Act, therefore, evinces the just and amicable views by which The United States have been governed towards Spain, in the measure authorised by it. Our Ministers at London and Paris were immediately apprized of the Act, and instructed to communicate the purport of it to both Governments, and to explain at the same time, in the most friendly manner, the motives which led to it. The President could not doubt that such an explanation would give all the satisfaction that was intended by it. By a late Letter from the American Chargé des Affaires at London, I observe that this explanation was made to your Government in the month of last. That it was not sooner made was owing to the departure of the Minister Plenipotentiary of The United States, before the Instruction was received.

I am persuaded, Sir, that you will see, in this view of the subject, very strong proof of the just and amicable disposition of The United States towards Spain, of which I treated in the Conference to which you have alluded. The same disposition still exists; but it must be understood that it cannot be indulged longer than may comport with the safety, as well as with the rights and honor of the Nation.

I have the honor to be, &c.

Augustus J. Foster, Esq.

JAS. MONROE.

MESSAGE from the President of The United States to Congress, communicating information of the Troops of The United States having taken possession, of Amelia Island, in East Florida.—13th January, 1818.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I HAVE the satisfaction to inform Congress, that the Establishment at Amelia Island has been suppressed, and without the effusion of blood. The Papers which explain this transaction, I now lay before Congress.

By the suppression of this Establishment and of that of Galvezton, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a Project fraught with much injury to The United States has been prevented. When we consider the Persons engaged in it, being Adventurers from different Countries, with very few, if any, of the Native Inhabitants of the Spanish Colonies;—the Territory on which the Establishments were made,—one on a portion of that claimed by The United States,

Westward of the Mississippi, the other on the part of East Florida, a Province in Negotiation between The United States and Spain;—the Claim of their Leader, as announced by his Proclamation on taking possession of Amelia Island, comprising the whole of both the Floridas, without excepting that part of West Florida, which is incorporated with the State of Louisiana;—their conduct while in the possession of the Island, making it instrumental to every species of contraband, and in regard to Slaves, of the most odious and dangerous character;—it may fairly be concluded, that if the enterprize had succeeded on the scale on which it was formed, much annoyance and injury would have resulted from it to The United States.

Other circumstances were thought to be no less deserving of attention. The institution of a Government by Foreign Adventurers in the Island, distinct from the Colonial Governments of Buenos Ayres, Venezuela, or Mexico, pretending to Sovereignty, and exercising its highest offices, particularly in granting Commissions to Privateers, were acts, which could not fail to draw after them the most serious consequences. It was the duty of the Executive, either to extend to this Establishment, all the advantages of that Neutrality which The United States had proclaimed and have observed in favor of the Colonies of Spain, who by the strength of their own Population and resources, had declared their Independence, and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required. Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended Government in regard to The United States, but have countenanced a system of Privateering in the Gulph of Mexico, and elsewhere, the ill effects of which, might, and probably would be deeply and very extensively felt. The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The Law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case, from the moment that the Proclamation of the Chief of the enterprize was seen, and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimations having been received of the dangerous purposes of these Adventurers, timely precautions were taken by the establishment of a Force near the Saint Mary's to prevent their effect, or it is probable, that it would have been more sensibly felt.

To such Establishments made so near to our Settlements, in the expectation of deriving aid from them, it is particularly gratifying to find, that very little encouragement was given.

The example so conspicuously displayed by our Fellow-Citizens, that their sympathies cannot be perverted to improper purposes, but that a love of Country, the influence of moral principles, and a respect for the Laws, are predominant with them, is a sure pledge, that all the very flattering anticipations, which have been formed of the success of our Institutions, will be realized. This example has proved, that if our relations with Foreign Powers are to be changed, it must be done by the Constituted Authorities, who, alone, acting on a high responsibility, are competent to the purpose; and until such change is thus made, that our Fellow-Citizens will respect the existing relations, by a faithful adherence to the Laws which secure them.

Believing that this enterprize, though undertaken by Persons, some of whom may have held Commissions from some of the Colonies, was unauthorised by, and unknown to the Colonial Governments, full confidence is entertained, that it will be disclaimed by them, and that effectual measures will be taken, to prevent the abuse of their authority, in all cases, to the injury of The United States.

For these injuries, especially those proceeding from Amelia Island, Spain would be responsible, if it was not manifest that, although committed in the latter instance through her Territory, she was utterly unable to prevent them. Her Territory however ought not to be made instrumental, through her inability to defend it, to purposes so injurious to The United States. To a Country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her Neighbors, her jurisdiction for the time, necessarily ceases to exist. The Territory of Spain will nevertheless be respected, so far as it may be done consistently with the essential interests and safety of The United States. In expelling these Adventurers from these posts, it was not intended to make any conquest from Spain, or to injure in any degree the cause of the Colonies. Care will be taken that no part of the Territory contemplated by the Law of 1811, shall be occupied by a Foreign Government of any kind, or that injuries of the nature of those complained of, shall be repeated, but this it is expected, will be provided for, with every other interest, in a spirit of amity, in the Negotiation now depending with the Government of Spain.

Washington, 13th January, 1818.

JAMES MONROE.

(A.) *Communications from the War Department.*

SIR,

War Department, 12th January, 1818.

I HAVE the honor to transmit Copies of the Orders which have been given by the Acting Secretary of War to Major Bankhead, in re-

tion to taking possession of Amelia Island, and Copies of the Communications which have been made to this Department by that Officer, which embrace all the information in my possession.

I have the honor, &c.

The President of The United States.

J. C. CALHOUN.

(1.)—*The Acting Secretary of War to Major Bankhead.*

SIR,

Department of War, 17th July 1817.

CIRCUMSTANCES having made it necessary to occupy without delay, Point Petre, and the St. Mary's River, by a Military and Naval Force, I have to request, that you will instruct the Officer whom, in pursuance of the Order issued through the Adjutant-General, you may detail to take command at Point Petre, to co-operate with the Officer commanding the Naval Force on that Station, in such measures as may be deemed necessary for the preservation of the peace and tranquillity of that Section of the Country, which there is reason to apprehend may be disturbed in consequence of the Contest between the Spanish Royalists and Patriots, for the occupation of the adjacent Territory. The Officer will also be instructed to use due vigilance to prevent the violation of the Revenue Laws of The United States, and in particular to prevent the illicit introduction of Slaves into The United States; and in order to do this the more effectually, he will prohibit all Vessels freighted with Slaves from entering the River St. Mary's.

I have the honor to be, &c.

GEORGE GRAHAM.

The Officer commanding at Charleston, S. C.

(2.)—*The Acting Secretary of War to Major Bankhead.*

(Extract.)

Department of War, 12th November, 1817.

I AM instructed by the President to direct you to repair immediately to Point Petre, with the effective Force under your command, leaving only an Officer and a few men as a guard at Forts Moultrie and Johnson. Captain Wilson has been ordered to repair with his Company now at Fort Johnson, North Carolina, to Point Petre, and a detachment of new Recruits, under the command of Captain Hook, who was on his route to join the 4th Infantry, has also been ordered to that place. The Troops enumerated above, and those now stationed at Point Petre, will constitute a Force of more than 200 men, of which you will take the command until the arrival of General Gaines. A remittance of 5,000 dollars has been made to your Battalion Quartermaster, whom you will take with you: and you will make requisitions for the necessary supply of provisions on the Contractor's Agents. It will be advisable to take from Charleston, a supply of salted meat, and

a sufficient quantity of flour and hard bread to serve 250 men for 30 days at least

Major Bankhead.

GEORGE GRAHAM.

 (3).—*The Acting Secretary of War to Major Bankhead.*

SIR,

Department of War, 12th November, 1817.

It appearing, to the satisfaction of the President, that the Persons who have lately taken possession of Amelia Island, have done it without the sanction of any of the Spanish Colonies, or of any organized Government whatever, and for purposes unfriendly to, and incompatible with the interests of The United States, he has decided to break up that Establishment, and take temporary possession of Amelia Island: for this purpose, the Troops ordered to assemble at Point Petre, will co-operate with the Naval Force which has been ordered to St. Mary's, under the command of Captain Henley.

It is the anxious wish of the President, that this should be accomplished without the effusion of blood; and he confidently hopes, that the Force destined for the purpose will be of such an imposing character, as to induce those Persons who now have the military occupation of the Island, to abandon it without the exercise of force; but if it should be found to be indispensably necessary, force must be used. You will, therefore, immediately on the arrival of Captain Henley at St. Mary's, and in conjunction with him, despatch an Officer to demand the abandonment of the Island, by those who now exercise authority there, and take such other measures as may be deemed proper to obtain the peaceable possession of it; also for the perservation of the property of those Persons who were residents of the Island when it was first captured by General M'Gregor. Should your demand for the evacuation of Amelia, be complied with, you will then occupy with a part of your Force, the position of Fernandina, and take care that the cannon and other implements of War which belonged to the Port when captured by General M'Gregor, are not taken off.

If peaceable possession of the Island however, cannot be obtained, and it should be the opinion of Captain Henley and yourself, that your joint Forces are not competent to the prompt and certain reduction of the Naval and Military Forces which may then occupy the harbor and Post of Fernandina, you will in that event, make a requisition on General Floyd, or such other Officer as may command that Division of the Militia of Georgia in which Point Petre is situated, for a Force not exceeding 500 men, to be held in readiness to march at a moment's warning, and await the arrival of General Gaines, who has been ordered to Point Petre. for ulterior measures.

You will take with you from Charleston, the necessary military stores, and such heavy cannon as may be required for the reduction of the Fort on Amelia Island, in the event of resistance.

As no Answer has been received to the Communication addressed to you from this Department on the 17th July last, it becomes necessary to request, that the receipt of this may be acknowledged, and that you also advise this Department regularly of your movements.

I have the honor to be, &c.

Major Bankhead.

GEORGE GRAHAM.

(4.)—Major Bankhead to the Acting Secretary of War.

SIR, *Fernandina, Amelia Island, 24th Dec. 1817.*

I HAVE the honor to lay before you the Correspondence held with General Aury, the late Commander of this Place; and to inform you, that the American Flag was raised here yesterday afternoon.

Several days will elapse before General Aury can withdraw his Followers, but I have taken every measure to ensure tranquillity, by ordering all his Black Soldiers to be embarked on board one of the ships lying in the Port, and by not suffering any Person to appear in the Town with arms, but his Officers, and the moment their Vessels are prepared to receive the whole of them, they shall depart.

Most of the Inhabitants of this Place, at this time, are Followers of Aury, and those Persons who have been drawn here from motives of speculation, are, I suspect, of that profligate character generally engaged in the violation or evasion of our Revenue Laws. I shall, therefore, consult with Commodore Henley, and will enforce such Regulations as may be most likely to preserve order, until I receive instructions from the Government.

Until this Place is completely evacuated by this band of Negroes and Privateersmen, I have deemed it prudent to keep the whole of my Force here. On their departure, I shall move all but one company to Point Petre.

I have the honor to be, &c.

G. Graham, Esq.

JAMES BANKHEAD.

Enclosure 1.)—Commodore Henley and Major Bankhead to General Aury.

SIR, *United States' Ship, John Adams,
Off Amelia, 22nd December, 1817.*

WE have received Orders from our Government to take possession of Amelia Island, and to occupy the Port of Fernandina with a part of our Force, which will be moved over, as soon as it will be convenient for your Troops to evacuate it.

To avoid unnecessary delay, we think proper at this time to inform you, in the event of your acquiescence in this demand, that you will be at liberty to depart with the Forces under your command; and such property as belongs unquestionably to them will be held sacred.

[1817—18.]

3 C

You are to leave the public property found by General M'Gregor, at Fernandina, in the same condition it was taken, and the property of the Inhabitants of Amelia Island must be restored to them, where they have been forcibly dispossessed of it, and no depredations on private property from this period will be permitted with impunity.

Should you, contrary to the expectations of the President of The United States, refuse to give us peaceable possession of the Island, the consequences of resistance must rest with you.

We have the honor to be, &c.

J. D. HENLEY,

Captain in the Navy, and Commander-in-Chief of the Naval Forces of The United States, off Amelia.

JAS. BANKHEAD,

Major 1st Battalion Artillery, United States Army, and Commanding Military Forces.

General Aury, Commander-in-Chief of the Forces at Fernandina.

(Enclosure 2.)—General Aury to Commodore Henley and Major Bankhead.

Head Quarters, Fernandina, Island of Amelia,

GENTLEMEN,

22nd Dec. 1817, and 8th of Independence.

I HAVE had the honor to receive your Official Letter of this day. The nature of its contents requiring mature deliberation, I have submitted the same to the Representatives of the Republic, and as soon as I shall have obtained their opinion it shall be immediately sent to you.

I can, however, state to you, Gentlemen, that no opposition will be made to surrender the Island of Amelia, on the part of this Government.

I have the honor, &c.

AURY,

Commander-in-Chief.

Commodore Henley and Major Bankhead.

(Enclosure 3.)—General Aury to Commodore Henley and Major Bankhead.

Head Quarters, Fernandina, Island of Amelia,

GENTLEMEN,

22nd Dec. 1817, and 8th of Independence.

I HAVE received your Official Letter of this day, by which, in the name of the Government of The United States, you summon us to evacuate this Place with the Troops under my command, as possession thereof is to be taken by the Forces under your commands, under certain conditions therein specified.

This Republic, that of Mexico, nor any other of South America, being at war with The United States, obliges me to state to you, that

the contents of your Letter have greatly surprised this Government and the People of the State. You have nevertheless intimated, that, in case of our acquiescence to your demand, we shall be permitted to evacuate this Island, which never was or ever has been a part of The United States. Allow me, Gentlemen, to observe to you, that from the moment we took Fernandina by the force of our arms, we entered into the full possession of all the rights appertaining to our Enemy, and that to this day we have supported these rights at the risk of our lives and fortunes. The Boundaries of the Floridas and The United States, having been fairly settled by the Treaty of Friendship, Limits, and Navigation, of the 22nd of October, 1795, leave us at a loss to ascertain your authority to interfere in our internal concerns.

Our surprise increases when we reflect that your Communication comes, as authorized by the Government of a People, who glory in their respect for the rights of Nations, whether great or small, and who no doubt sympathize and wish success to their Southern Brethren, in the struggle for Liberty and Independence, in which they are engaged, as were The United States 40 years ago.

On the other side, you promise to hold sacred such of our property as *unquestionably* belongs to our Citizens. Who is to be the Judge in this case? The United States, who can by no means claim any kind of jurisdiction, from the source of the river St. Mary's, down to the Ocean, on this side of the centre of the Channel? We entertain too much veneration for your Constitution, to believe for a moment, that you, supposed already in possession of this Island, which has never been ceded by the King of Spain, or by its Inhabitants, to The United States, can bring with you a competent Tribunal to decide upon this question. The only Law you can adduce in your favor is that of force, which is always repugnant to Republican Governments, and to the principles of a just and impartial Nation. The same observation may be applied to your interference with the property of the Inhabitants, which we have always respected and considered as sacred.

You order us also, as if we were Subjects of your Government, to leave behind, when Fernandina is evacuated, all the public property that was found at its surrender. This demand is directly contrary to the public rights, by which all public property captured by the Enemy, is avowedly that of the Captors, when not otherwise stipulated. Are you acting in the name of the King of Spain or his Allies? As we consider the People of The United States as unquestionably the only free People on the surface of the Globe, we cannot admit that you have now become the adherents of a Tyrant;—in any case your demand is inadmissible, and unjustifiable in the eyes of the World, and if we must yield to it, all the blame rests with you.

Permit me, therefore, Gentlemen, to request of you to lay before the President of The United States these remarks, in order that a

matter of so serious a tendency may be reconsidered. We have read His Excellency's Message at the opening of Congress, with the utmost concern, and I have concluded, that the political situation of this Republic has been greatly misrepresented in The United States, through the intrigues of our Enemies. We have certainly a right to be heard; for which purpose, I shall have the honor of forwarding to your Government the necessary Documents. If you are not disposed to let things remain in *statu quo*, until the President's further determination be known, I am authorised to assure you, that we respect and esteem too highly the People of The United States, to carry matters to extremities.

I have the honor to remain, &c.

AURY,

Commodore Henley and Major Bankhead.

Commander-in-Chief.

(Enclosure 4.)—Commodore Henley and Major Bankhead to General Aury.

United States' Ship, John Adams,

SIR,

Off Amelia Island, 23rd December, 1817.

WE have had the honor to receive your Communication of the 22d inst., and will briefly remark, that as Officers in the service of The United States, we are bound to obey the Orders emanating from the Authorities of our Government, without any discussion or animadversion on our part as to the correctness of them. We have been ordered by the President of The United States to take possession of Amelia Island, and as the President has expressed his solicitude, that the effusion of blood may be avoided, if possible, it must be gratifying to us to be informed by you, that no resistance will be made to us.

We will again remark, that private property will be sacred, and that our Orders extend only to the public property captured by General M'Gregor at Fernandina.

We propose to land a Force to-day, and to hoist the American Flag: under that Flag, no oppression or unjust measures will ever be witnessed. And we feel assured that there will be no difficulties in the arrangement made by us.

The Squadron will immediately sail into the Harbor, when the Commanding Officer of the Land Forces will wait on the Commander-in-Chief, to make the necessary arrangements for the landing of the Troops.

We have the honor to be, &c.

J. D. HENLEY.

General Aury.

JAMES BANKHEAD.

(Enclosure 5.) — General Aury to Commodore Henley and Major Bankhead.

Head Quarters, Fernandina, Island of Amelia,

23d December, 1817, and 8th of Independence.

I HAVE had the honor to receive your Letter of this date. I am

ready to surrender this Place to the Forces under your command, whenever you may judge proper to come and take possession thereof.

I have the honor to be, &c.

Commodore Henley and Major Bankhead.

AURY.

(5.)—*Major Bankhead to the Acting Secretary of War.*

SIR,

Fernandina, Amelia Island, 27th Dec. 1817.

I HAD the honor to forward to the War Department, on the 24th instant, a Copy of the Correspondence with General Aury, previous to the landing of the Troops under my command; and I herewith send a Duplicate of the same.

Some difficulty has arisen, from a want of competent authority, to settle the disputed Claims of the Residents of this Place against the late Government and the Followers of Aury, who do not seem disposed to comply with their engagements.

One or 2 Vessels have arrived here with Cargoes, which the Owners are desirous to land; and it might be improper to permit it, without obtaining security for the Duties which the Laws of The United States require; and other Vessels, loaded in this Port, have met with some delay in clearing for their destination; but the counsel of General Gaines, who arrived here last night, will regulate my conduct, and will, in a great measure, relieve my anxiety.

I have been obliged to exercise my authority, as Commanding Officer at this Place, to preserve order; and I am happy to say, that nothing unpleasant has occurred. I cannot say when General Aury and his Party will sail. Their Vessels are much out of order, and their arrangements to that effect progress but slowly. The morning after I landed, I ordered all the Black and French Troops to be embarked on board some of their Vessels; but the Crews of their Privateers, and many others of all Nations, whom it is difficult to restrain from violence and excess, are still here.

Until I am honored with your Instructions, I hope that the course I may pursue may meet the approbation of the President.

General Gaines leaves this for the Western Frontier of Georgia the day after to-morrow.

I have the honor to be, &c.

George Graham, Esq..

JAMES BANKHEAD.

(B.)—*Communications from the Navy Department.*

SIR,

Navy Department, 13th January, 1818.

I HAVE the honor to enclose, herewith, Copies of Orders to Captain John H. Elton, and Commodore John D. Henley, in relation to Amelia Island: also a Letter from the latter Officer, communicating information of the surrender of that Place, to the Military and Naval

Forces of The United States, together with the Correspondence which took place on that occasion.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

The President of The United States.

(1.)—*The Secretary of the Navy to Captain Elton.*

SIR, Navy Department, 16th July, 1817.

PROCEED immediately with The United States' Brig *Saranac* under your command to the River St. Mary's in Georgia, and inform the Military Commander of your arrival, and of the objects specially designated to you in these Orders.

The recent occupation of Amelia Island by an Officer in the service of the Spanish Revolutionists, occasions just apprehensions, that from the vicinity to the Coast of Georgia, attempts will be made to introduce Slaves into The United States, contrary to the existing Laws; and further attempts at illicit trade in smuggling goods in violation of our Revenue Laws.

You are hereby directed to detain and search every Vessel, under whatever Flag, which may enter the River St. Mary's, or be found hovering upon the Coast under suspicious circumstances, and seize every Vessel freighted with Slaves, or whose doubtful character and situation shall indicate an intention of smuggling.

In the execution of these Orders, you will take special care not to interrupt or detain any Vessels sailing with regular Papers, and of a National character, upon lawful voyages to or from a Port or Ports of The United States.

The traffic in Slaves is intended to be restrained, and in the performance of this duty you will exercise your sound judgment in regard to all Vessels you may visit.

Communicate frequently to this Department, every event connected with this Service, and if it shall be found necessary, a further Naval Force will be sent, either to strengthen your command, or to relieve you so as to pursue your original destination. If you find it necessary upon your arrival at St. Mary's to employ a good Pilot, well acquainted with the Coast, Rivers, and Inlets, you are authorized to do so.

I am very respectfully, &c.

Captain John H. Elton,
New York.

B. W. CROWNINSHIELD.

(2.)—*The Secretary of the Navy to Commodore Henley.*

SIR, Navy Department, 14th November, 1817.

HAVING been appointed to the command of The United States'

Ship, *John Adams*, you are hereby ordered, in conformity to the wishes of the President of The United States, to proceed *forthwith* to the Port of St. Mary's, in Georgia, taking with you, The United States' Brigs *Enterprise* and *Prometheus*, and the Schooner *Lynx*, if the 2 latter have arrived in New York, and are in a state of readiness to accompany you; but you will not procrastinate the departure of the Ship *John Adams* on account of these Vessels, as any of them not fully prepared to proceed with you, shall be ordered to join you as soon as practicable at St. Mary's, at which place you will find The United States' Brig *Saranac*, Captain John H. Elton, and Gun Boat No. 168, Lieutenant Commandant R. M'Gall, both of which Vessels will act under your orders.

The object of the President of The United States in ordering this Naval Force to St. Mary's, is to remove from Amelia Island, the Persons who have lately taken possession thereof, and, as it is understood and believed, without authority from the Colonies, or any organized Government whatever, and to the great annoyance of The United States. It has therefore been determined, that these Persons shall be removed from that Island, and that possession shall be taken for the present, by the Land and Naval Forces of The United States.

On your arrival at St. Mary's, you will consult with the Officer commanding the Military Force, who is instructed to co-operate with you in the performance of this Service.

It is hoped that these Persons will withdraw without bloodshed; and you will for this purpose, should your relative rank be superior to that of the Commanding Officer of the Land Forces, make known to the Chief, commanding in Amelia, the determination of the Government of The United States, to take possession of the Island; and if the said Chief, and the Armed Forces under his command, will peaceably quit the Island, you will permit them so to do, taking special care that no depredations be committed on the Inhabitants, whom it will be your duty to protect from violation or injury, either in their persons or property.

Should the Force, however, now in command of the Island, contrary to all expectations, resist and refuse absolutely to give up and abandon the same, you are, in co-operation with the Military Force of The United States, to proceed and take possession of the Island, in the name and by the authority of The United States.

Should you fall in with, on your way to St. Mary's, or find in Amelia, any Vessel from The United States, armed and equipped by American Citizens, acting as Privateers, contrary to the Laws of The United States, you will capture such, and send them to Savannah, in Georgia, to be dealt with according to Law.

You will detain all Prizes, or other Vessels having Slaves on board,

as the presumption is strong, that they are intended to be smuggled into The United States. You will report from time to time, to this Department the operations of the Force under your command.

I am very respectfully, &c.

Commodore J. D. Henley.

B. W. CROWNINSHIELD.

P. S. These Orders are not to be delivered to any Person.

(3.)—*Commodore Henley to the Secretary of the Navy.*

United States Ship, John Adams,

SIR,

Off Amelia, 24th December, 1817.

I HAVE the honor to transmit a Copy of the Correspondence, with General Aury, late Commander of this Place, and to inform you that the American Fag was yesterday hoisted at Fernandina, and the Island of Amelia taken possession of by the Land Forces under Major Bankhead, of The United States' Artillery.

The Black Troops of General Aury, have been embarked on board one of their Ships lying in the Port, and the remainder of his Followers will be sent off the Island, as soon as the necessary arrangement can be made for the purpose. They are now engaged in watering their Ships, and in the course of a week I hope to see all of them over the bar.

Most of the respectable Inhabitants of this Place, retired on its capture by M'Gregor, and those now here, are principally Adventnrers who have been attracted by motives of speculation, and as I suspect, and have every reason to believe, been engaged in the violation of our Revenue Laws, to prevent which in future, such precautions will be taken as are within my power, and which will I presume be adequate to the purpose.

I have not yet been able to examine the Ship, and therefore can give you but little further information than was contained in my last Communication. The leaks (the principal of which is about 2 feet under water) still continue, so that we make 20 inches of water per hour, and this lying in Port. We are obliged to examine the magazine twice a day, to clear it of the water. I shall land all the powder immediately, to prevent any further damage. The bread, except a very small quantity, is entirely ruined, and unfit for use. I shall order a survey to ascertain the exact quantity of stores damaged, and inform you as early as circumstances will admit.

I shall also inform you by the next mail (which leaves St. Mary's on Saturday next) more particularly, of the state of the Ship, than has heretofore been in my power; the object of the Expedition not having been effected, rendered it impracticable to examine her thoroughly. I am however entirely convinced in my own mind, that the battery now

on the Ship is too heavy for her, so much so, that I should deem her unsafe for a long cruise.

This will be sent by an express to Darien, the Mail leaving this place but once a week.

I have the honor, &c.

The Hon. Benjamin W. Crowninshield.

J. D. HENLEY.

(4.)—*Commodore Henley to the Secretary of the Navy.*

United States' Ship John Adams,

SIR,

Off Amelia, 30th December, 1817.

SINCE my arrival here, I have been so much engaged, that I have not had one moment to write to my friends. You no doubt, however, have some idea of my situation, and from my Official Reports, know that the American Flag is now flying on Amelia Island. As there are many novel cases which must present themselves, I should have been better pleased had my Instructions been full, but we are now left to act as circumstances may require, and I am fearful that Aury and his Followers will give us much trouble before they quit the Island. I am sorry to add, that the Americans appear to be much worse than any others. Should we be able to get through this business, so as to meet the approbation of the Department, I shall feel much gratified; but I trust, that should I err in any steps that I may take, that it will be considered by the President as an error of judgment; for I do assure you, that nothing would be so pleasing to me, as to have my conduct here approved by the Executive. I have endeavored to keep as close to the letter of my Instructions as possible, and have avoided every difficulty that I possibly could. I regret very much the difficulty of communicating with the Government. We have only one Mail per week, and that does not remain in St. Mary's long enough to enable us to answer Letters that we may receive by it.

The situation of my Ships you are no doubt acquainted with, as I have written several times to the Secretary on that subject. I, however, do not wish to leave this place until every thing is settled, and the Government have established some kind of Police for the better government of this Place, which I am in hopes will take place ere long. I am fearful that Aury expects that the American Government will relinquish Amelia, which impression will retard his departure.

I have the honor to be, &c.,

The Hon. B. W. Crowninshield.

J. D. HENLEY.

ADDENDA.

(1.)—*Capitulation of the Island of Amelia.*

(Extract.)

Fernandina, 29th June, 1817.

BRIGADIER General M'Gregor, Commander-in-Chief of all the Forces, both Naval and Military, destined to effect the Independence of the Floridas, duly authorized by the Constituted Authorities of the Republics of Mexico, Buenos Ayres, New Granada, and Venezuela, offers to Don Francisco Morales, *Capitan del Regimiento de Cuba*, and Commandant, Civil and Military, of the Island of Amelia, the following terms, &c. &c.

FRANCISCO MORALES.

JOSEPH DE YRIBARREN.

BERNARDO SEGIN.

Approved, GREGOR M'GREGOR.

(2.)—*Proclamation of General M'Gregor.*

(Extract.)

Head Quarters, Amelia Island, 30th June, 1817.

GREGOR M'Gregor, Brigadier General of the Armies of the United Provinces of New Granada and Venezuela, and General in Chief of the Armies for the 2 Floridas, commissioned by the Supreme Directors of Mexico, South America, &c.

JOSEPH YRIBARREN, *Secretary.*

GREGOR M'GREGOR.

(3.)—*Address of General M'Gregor.*

(Extract.)

Head Quarters, San Fernandina, 1st July 1817. (7 & 1.)

GREGOR M'Gregor, General of Brigade to the Armies of the United Provinces of New Granada and Venezuela, and General in Chief of that destined to both the Floridas, with Commission from the Supreme Governments of Mexico and South America, &c.

In the name of the Independent Governments of South America, which I have the honor to represent, I thank you for this first proof of your ardor and devotion to her cause; and I trust that, impelled by the same noble principles, you will soon be able to free the whole of the Floridas from tyranny and oppression.

JOSEPH YRIBARREN.

GREGOR M'GREGOR.

MESSAGE from the President of The United States to Congress, transmitting further Information relating to the occupation of Amelia Island.—25th March, 1818.

TO THE HOUSE OF REPRESENTATIVES.

I TRANSMIT to the House of Representatives, in compliance with their Resolution of March the 20th, such information, not heretofore communicated, as is in the possession of the Executive, relating to

the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the Persons who authorized, and of those who were engaged in the Invasion, and previous occupancy of that Island; of the unfriendly spirit towards The United States with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromit them with Foreign Powers, in all the unwarrantable acts of the Adventurers; it is presumed that these Documents would remove it.

It appears by the Letter of Mr. Pazos, Agent of Commodore Aury, that the project of seizing the Floridas, was formed and executed, at a time, when it was understood that Spain had resolved to cede them to The United States; and to prevent such Cession from taking effect. The whole proceeding, in every stage and circumstance, was unlawful. The Commission to General M'Gregor, was granted at Philadelphia, in direct violation of a positive Law, and all the measures pursued under it, by him, in collecting his Force, and directing its movements, were equally unlawful. With the conduct of these Persons I have always been unwilling to connect any of the Colonial Governments, because I never could believe that they had given their sanction either to the project, in its origin, or to the measures which were pursued in the execution of it.

These Documents confirm the opinion which I have invariably entertained and expressed in their favor.

Washington, 25th March, 1818.

JAMES MONROE.

(1.)—*Letter to a Gentleman in the District of Columbia.*

(Extract.)

Baltimore, 30th July, 1817.

THE enclosed reached me this evening. Allow me now to relate in detail the particulars of my intercourse with General M'Gregor, whilst in this City, in regard to his objects.

The day after his arrival here, he sought an interview with me, through Mr. —, at my house, where he continued to visit me almost daily, during a residence of about 2 months. At first, he was impenetrably reserved and circumspect; vainly endeavoring to collect funds without venturing to communicate to those from whom he desired to command them, the specific point on which his proposed expedition was to operate. After some days, he told me, apparently with much candor and solicitude, that as he believed I possessed the confidence of the Government, he would confide to me his plans and intentions.

At several times, he desired me to bear in mind our conversations, and requested, should events make it necessary, that is, should he succeed in getting a foot hold, that I would communicate them substantially to the Government.

He declared his object to be, in the first place, to take possession of Amelia. Thence to wrest the Floridas from Spain, when he should

immediately call on the Inhabitants, by Proclamation, to designate some of their most respectable Fellow-Citizens to form a Constitution on the model of some of the adjoining States. That so far as it might depend on him, he would encourage the existing disposition of the People in that Section to confederate with The United States; leaving it to the will and policy of this (our) Government, and to political circumstances, as they might arise, to indicate the most favorable *time* for their admission into the Union. That, in the mean time, he would endeavor to hold them as the most eligible *dépôt* to collect and organize the supplies necessary to the establishment of South American Independence. In connexion with that great object, he was inclined to view the temporary possession of the Floridas, under a Provisional Government, as of the highest importance and utility.

He was, moreover, of opinion, that it would be compatible with the best policy of The United States, under the explanations here given, to connive at the occupation of them (Floridas,) by a Patriot Force; because, in that way, the Patriots might have access to the resources, and profit of the enterprising spirit of this Country, without necessarily involving a positive violation of any of our strictly neutral, or pacific obligations.

To any complaint from Spain, he thought, we might sufficiently answer, that we were not responsible for any operations conducted beyond our jurisdiction, in a Territory claimed by her. Thus, he was of opinion, that our Government might be relieved from the embarrassment resulting from the uncontrollable propensity of our Citizens, acting under motives of cupidity, (or others more honorable,) to embark in the Contest between Spain and her Colonies, in favor of the latter, without paying, in all cases, a decent regard to the requirements of existing Laws. That, in this way, we might enjoy the satisfaction of seeing that assistance rendered to the Patriots, indirectly, which are forbidden to be directly offered by our actual relations with Spain. I warned him, that he would have to encounter the suspicion of subserviency to the views of Great Britain, which, if entertained by our Government, on the ground of strongly indicative circumstances, ought, and would prove fatal to his enterprise; against which he urged, that nature had so obviously decreed the Floridas to The United States, on their passage from the hands of Spain, that all apprehension of an attempt to hold them by any other Power, must be rebutted by the gross and manifest folly of such an undertaking; unless as a pretext for gratifying a previous disposition to engage in a War with The United States, for some other object—the holding of the Floridas not being an attainable one.

In these views and opinions, he hoped the Government of The United States would coincide with him, at least so far as not to interpose any obstacles—a measure to which he conceived them not

invited by any sound view of the interests of the Country, much less by any sense of obligation to Spain, to aid in preserving the integrity of her Possessions.

(*Enclosure.*)—General M'Gregor to a Gentleman at Baltimore.

MY DEAR SIR, *Head Quarters, Fernandina, 7th July, 1817.*

LONG before you receive this, you will have learnt the capture of this Place; I have therefore now to request, that you will do me the favor you promised me at Baltimore; that is, to communicate to your Government my views in taking possession of this Place. I shall look, with impatience, for your Answer; and I trust you will not attribute my silence to any other motives than the true ones—a want of time, and a multiplicity of business.

Any news or information that you have, relative to our affairs, I trust you will do me the favor of sending me, and that I shall at least have 2 of your Letters to my one. I trust every thing will go on well here, although some of my materials are not of the best description; but this I must expect, when I consider that they are taken, at random, from a populous Sea Port Town: they appear to be much fonder of money than military fame and glory; but probably after a victory or two, they will feel themselves inspired with more martial sentiments.

I remain, &c.

GREGOR M'GREGOR.

(2.)—General M'Gregor to a Gentleman at Baltimore.

MY DEAR SIR, *Nassau, New Providence, 27th December, 1817.*

I REGRET that I have not had an opportunity of answering your kind Letter, which I received at Amelia. I have not time to tell you all the reasons that induced me to leave Amelia, but I trust you have *foreseen* them. I think you won't blame me for not accepting of assistance from a set of ———, whom it would not have done me honor to be connected with. I have endeavored again to realize the plans we have so often thought and talked of. I trust the Persons I have employed will not disgrace the cause of South America. You know my objects, and I am afraid I am unjustly blamed for the actions of those that have come after me. The Scripture says, "that the sins of the forefathers shall be visited upon their children." I trust the Congress will not visit the sins of the progeny upon their father.

On the other side, you have the Extract of a Proclamation about to be published by the Person in charge of making the Settlement. I leave this to-day for England to arrange my private affairs, which, from the many years that I have been in South America, have not improved by my absence; my family remain here till my return.

Pray remember me to all those that *ask* for me, but particularly to _____ and his family. I will write you from Europe, and, trusting that you will not altogether forget me,

Believe me, &c.

GREGOR M'GREGOR.

P.S. If you write me, pray send to the care of Messrs. Hayes and Story, Merchants, Liverpool.

(Enclosure.)—*Extract of Proclamation.*

INHABITANTS OF THE FLORIDAS!

I EXPECT soon to see General M'Gregor among you again; he was animated by a sincere wish for your happiness, and only desired to see you free from the yoke of Spain, in order that you might legislate for yourselves. He was aware that neither the Population nor the extent of the Country were such, as to make it desirable for you to remain long as an Independent Government, and that it was most advisable to solicit of your *own free will and accord*, your incorporation with some other State, that might be able and willing to protect you.

(3.) _____ to the Secretary of State.

(Extract.)

24th December, 1817.

I YESTERDAY obtained from some of my Friends the enclosed Paper, which I lose no time in transmitting to you, for the information of the Government. My Friends who presented it, assure me it is the handwriting of General M'Gregor, written in their presence, at Amelia Island, about the last of August or 1st of September last; but on comparing it with his signature to a Commission for an armed Vessel, which was shown me, I thought the handwriting differed, though I cannot doubt the veracity of my Informants. Woodbine was present when this Paper was given, together with the signals mentioned therein, which signals I have seen, and can obtain a Copy of them, if necessary.

My Informants, I have no doubt, are possessed of as much information of the views and plans of M'Gregor and Woodbine, as any Persons in The United States. They are Gentlemen of respectability and integrity, and have kept the affair a secret till this time, but on finding that the President had ordered possession to be taken of Amelia Island, they have thought it their duty, as good Citizens, to communicate to me, for the information of the Government, the facts within their knowledge.

The Informants went to Amelia Island in the month of August last, with a fine Brig partly armed and manned at Sea, for the purpose of trying their fortunes with the Patriots, so called. When they arrived there, they found things in a very bad way; M'Gregor and Sheriff

Hubbard were in a high quarrel. Hubbard having busied himself among the People and Soldiers, in persuading them that M'Gregor was too arbitrary in his government; and the General having expended all his money, it was not difficult for Hubbard to persuade him that his family and person were not safe on the Island. So M'Gregor took his family on board Hubbard's Vessel, the *Morgiana*: he being then completely in Hubbard's power, attempts were made to extort from him the necessary delegation of powers for carrying on the Government without him. At this time, my Neighbors visited the General on board the *Morgiana*, and seeing his interesting Family thus detained on board an armed Vessel, full of lawless men, Mrs. M'Gregor being far advanced in pregnancy, they remonstrated with Hubbard, and finally obtained the release of the General and his Family, and took them on board their own Vessel, and gave up their cabin to them.

Their Vessel was then christened the *M'Gregor*, and received the Commission which I have seen, and which is now here.

They sailed from Amelia, in September, in company with a Schooner, belonging to Woodbine, he being on board. Sometime after they had got to Sea, General M'Gregor and Family were put on board the Schooner with Woodbine, and steered for New Providence, and the *M'Gregor* sailed for Rhode Island, under pretence of getting supplies off the Coast. On her arrival off Block Island, the Crew were discharged, the Commission taken on shore, and the voyage abandoned: and the Brig sailed for Teneriffe with a small Crew.

From what has been written, it may readily be supposed, that my Friends had an opportunity of learning something of the plan of future operations of M'Gregor and Woodbine; and they believe it to be as follows: Woodbine persuaded M'Gregor, that he could find Friends and funds in New Providence, and that as a British Regiment had lately been disbanded there, they would pick up as many of the Soldiers as possible, and that with what Negroes and others they could gather, they would make a tolerable force. They were then to sail for Tampa Bay, a fine Harbor to the Northwestward of Cape Florida, where they were to be joined by 1,500 Indians, already engaged to Woodbine, and invade Florida from that point; they are then to march across, and attack St. Augustine.

The reasons for abandoning the East side of Florida, were the impracticability of cutting off supplies from St. Augustine, by land, and it being too near The United States. Whereas, at the other side, they calculate to land without opposition, and march through a friendly Country, that will afford them ample supplies, as they say, till they come near to St. Augustine; they can then invest it, and by cutting off all the communication with the Country, the Spaniards will abandon it, as they think. I am assured that M'Gregor left no authority with any one to hold the Island for the Patriots. One of my

neighbors was employed by Colonel Irwin, to negotiate with M'Gregor for such authority, which the General absolutely refused to give, leaving him his Commission only.

His difference with Hubbard was such, that he would not give him a Commission for the *Morgiana* as a Privateer, contending that she ought to be a Government Vessel.

The Hon. J. Q. Adams.

(Enclosure.)—Directions for sailing into Tampa Bay.

THE Vessels must be at Tampa Bay, commonly called Espiritu Santo. I calculate to be at Tampa Bay, by the latter end of April, or the 1st day of May, 1818. There are 3 Bars, the Northernmost Bar is the best, having 5 fathom water; keep on the larboard shore going in. There is a small sandy Key betwixt the Northern and Middle Channel; upon this sandy Key, there will be a Flag Staff; and on hoisting your Signal, it will be answered by the Florida Flag, and a Pilot will come off.

(4.)— to the Secretary of State.

(Extract.)

13th January, 1818.

I HAVE only time at present to forward a Blank Commission from M'Gregor, which was intended to be filled by the Holder for a Vessel of the description therein-mentioned; likewise a Blank Certificate of Naturalization. Both these Papers, with many others, were entrusted to my Neighbor, B, who held a high Commission under M'Gregor, and had authority to fill Blanks, &c. By the caption of those Papers, it will be seen what and how he styles himself. I likewise transmit a Paper, in M'Gregor's hand writing, with directions for sailing into Tortola, &c.

P. S. Mr. B. saw M'Gregor's Authority, and heard it read in public more than once. It was on parchment, with many Signatures, among which were Bolivar's and Mina's. Lord Cochrane's Expedition was connected with M'Gregor's, as B. saw several Letters from his Lordship to M'Gregor, and Copies of M'Gregor's to him.

The Hon. J. Q. Adams.

(Enclosure 1.)—Form of Letter of Marque, granted by General M'Gregor.

Free Floridas. Letter of Marque. No. 8. Eight.—(Translation.)

CITIZEN Gregor M'Gregor, Brigadier-General of the Armies of the United Provinces of New Granada and Venezuela, and General in Chief, employed to liberate the Provinces of both the Floridas, commissioned by the Supreme Governments of Mexico and South America, &c. &c. &c.

In virtue of adequate Powers vested in me, and in conformity with the usages generally observed among Nations, in making War on their

Enemies by all lawful means, and under regulations adapted to the case, I hereby grant permission to ———, Commander of the Schooner called the *Lady M'Gregor*, of 199 tons burthen, 80 feet keel, 24 feet beam, and 12 feet hold, with a deck ———, head ———, and no figure; her armament consisting of 10 twelve-pounders, 50 muskets, 25 pairs of pistols, 50 cutlasses, ammunition in proportion, and a Crew as set forth in her Shipping Paper, to cruize, for the term of 12 months, against the Spanish Nation, and capture all Vessels under that Flag he may fall in with on the High Seas, or in any Ports belonging to the said Spanish Nation; it being, at the same time, well understood, that he shall not interfere with the Coasts or Ports of Neutral or Friendly Powers, nor approach them nearer than the distance of 3 miles from the land, unless forced to do so by stress of weather; and that he shall respect all Flags belonging to the afore-mentioned Powers not carrying on War against the Republics of Mexico and South America; conducting himself civilly towards such Vessels as he may fall in with on their passage, and taking care that the indispensable overhaul be made with all the attention due to their Neutrality.

Given, signed by me, sealed with the Provisional Seal, and countersigned by my Secretary, at Head Quarters, in the City of Ferdinandina (Amelia Island), the 1st of September, 1817, the 7th of the Revolution, and 1st of the Liberty of the Floridas.

[*Seal—Arms of M'Gregor.*]

GREGOR M'GREGOR.

JH. DE YRIBARREN,

Secretary.

(*Enclosure 2.*)—*Form of Letter of Naturalization, granted by General M'Gregor.*

Free Floridas. Letter of Naturalization. Provisional.—(Translation.)

GREGOR M'GREGOR, Brigadier General of the Armies of the United Provinces of New Granada and Venezuela, and General in Chief employed to liberate the Provinces of both the Floridas, commissioned by the Supreme Governments of Mexico and South America, &c. &c. &c.

Mr. ———, having taken the requisite Oath of Obedience to the Free Government of the Floridas, and given proof of his zeal for the Cause of Independence, I have granted to him, and do by the present grant him, the title and privileges of a Citizen of the Free Floridas, enjoining all Authorities, Civil and Military, under my orders, to acknowledge and consider Mr. ——— in that quality, protecting him and causing him to be protected, in the rights and privileges which of right belong to him; and I request the Civil and Military Authorities and Magistrates of the Independent States of Mexico and South America to receive and acknowledge him, as if he were a Citizen of those Countries.

[1817—18.]

3 D

Granted and signed by me, sealed with the Provisional Seal, and countersigned by my Secretary, at the Head Quarters of Fernandina, the 30th day of August, 1817—7th and 1st.

[Seal.]

GREGOR M'GREGOR.

JH. DE YRIBARREN,

Secretary.

(Enclosure 3.)—*Directions for sailing into Tortola.*

PRIVATE Signal and Instructions for going into Tortola.

White and Green Cross at the fore. The entrance is wide, with plenty of water. Bring the Fort to bear, and lay to under English Colors, and the Signal, till a Boat comes off.

The Agent's name is Bezshallwill; he can sell Prize Goods, and furnish Provisions, at a moderate price, the same as at St. Thomas. Keep clear of the Island of St. Thomas. At Tortola, there are no Troops, and the signal man at the Fort is my Friend.

(5.)——— *to the Secretary of State.*

(Extract.)

19th January, 1818.

SINCE my Letter, dated the 13th instant, was forwarded with the accompanying Documents, I have had several conversations with B. in order to obtain the necessary information. In answer to the questions respecting M'Gregor's authority, he says, that he did ask him what authority he held, and from whom. He answered, his authority was from the Patriotic Government, and showed him the Parchment, the writing on which was in the Spanish Language; it was often read in public, and had many signatures to it, among which were Bolivar's and Mina's.

He pretended he was authorized to establish a Government, and grant Commissions, &c. Irwin believed his authority was sufficient, and strongly urged him to delegate it to him on his leaving the Island; but this M'Gregor refused to do, so Irwin acted on his Commission, merely. Yribarren, the Secretary told B. that he could get the same authority in Philadelphia as M'Gregor's, and B. advised him to come to this Country with him, to which he assented; but Woodbine and M'Gregor urged him, and he continued with them. He is a fine young man, was born in Caraccas, lost all his relations there in the earthquake, and has since made the World his home.

B. is of opinion, that M'Gregor received regular Instructions from Philadelphia, as he transmitted a voluminous account of all his transactions by him, directed to a Person there.

When B. first arrived at Amelia, about the 18th of August, M'Gregor told him that the Government of The United States was privy to his plans; but some time after, about the 1st of September, when B. called his attention to some publication in a Savannah news-

paper which seemed to contradict that idea, he equivocated, or rather denied it. After Hubbard arrived in the *Morgiana*, without money, B. saw that M'Gregor was totally disappointed, as to supplies from this Country. About the 1st of September, Woodbine and Freeman Johnson arrived at Amelia, in a Schooner about 150 tons burden, from New Providence; M'Gregor had been expecting her for some time. She was an English Vessel. He gave her a Commission, and after coming out to sea, went on board her with his family, and has since arrived in New Providence, where he is, no doubt, granting Commissions to such as apply for them. I do myself know Freeman Johnson very well, having been captured by him in his own Privateer, in the year 1799. His father was then very rich, and a famous, or, rather, infamous, Privateersman. This Woodbine is a strange man. He was in Havana last winter, and left it just before I arrived there. He was taken up by the Spaniards for his conduct at St. Augustine some time ago, and was soon after liberated, he said on account of his holding a British Colonel's Commission. Some of my neighbors were well acquainted with him. Mrs. M'Gregor is a Spanish lady, said to be a near relation of General Bolivar.

Respecting Aury and his people, B. says, that when he was coming out of the Harbor of Amelia, Aury was going in with his Schooner. He came on board, and appeared to be well acquainted with M'Gregor, they having been together at the taking of Margaritta, or some other place. M'Gregor then went on board the Schooner with Aury, and some of B's men went with them. They think no authority was given by M'Gregor to Aury; and M'Gregor observed to B. after Aury had left them that if he had remained at the Island till Aury arrived, he must have seized his Vessel. Aury's Vessel was full of Negroes. B. knows nothing of those who composed his Government.

In answer to the Question, what countenance or assistance was expected from Europe?

B. says he saw Letters from Lord Cochraue to M'Gregor, and the Answers; that his Lordship was expected in the West Indies, and would co-operate with him; that M'Gregor had an understanding, as he said, with the British Admiral on the Jamaica Station, and that the Green Cross (his Flag) would be respected by him, and that he could go to Jamaica with his Cruizers and his Prizes.

On B's asking M'Gregor what he would do in case he should take Florida, and the Spaniards should be likely to retake it? He answered, that he would sell it to The United States for the most he could get.

M'Gregor gave as one reason for abandoning his expedition, that he had just received from the Patriots a Commission as Lieutenant-General, and must repair to Head Quarters for Orders. But he said some contradictory things.

From all I can learn, by what M'Gregor has expects to be treated hospitably in the British West the Bahamas. And what confirms me in this opinion, a venturer came to this Place in October last, and he under pretence of going to Porto Rico, but as he got out of the Harbor, guns and men were put on board, a commission was procured for her to cruise against the privateers, and she has it from undoubted authority, that her Prizes are the Caicos, one of the British Bahama Islands. and an Englishman, from Tortola, and one of M'Gregor's.

This plan was frustrated, and his Vessel seized. *The Hon. J. Q. Adams.*

(6.)—*Major Bankhead and Captain Henley*

SIR, *Fernandina, Amelia Island,*

IF any additional testimony were necessary, General Aury had no authority to take possession of the Islands found in the Documents under which he claimed. He acted as he has done. At his urgent solicitation, I examined these Documents, and from them it is manifest that no privilege or power granted to him, even for Texas, Galveston and Matagorda, but that which he derived from D. Herrera, who, it appears, was sent by the Mexican Minister to The United States, but proceeded no farther than New Orleans. During his stay at that Place, a communication opened between him and Aury, and the plan of an expedition to Galveston agreed on. They met at that Place, and for the sanction of the Government, of which Aury was made the Governor, a communication was had with the said Congress, it was dissolved, the Spanish Forces; and Aury, having lost a number of men on the Mexican Coast, and unable to maintain his position at Galveston or Matagorda, sailed for this Place, which he took possession of the Forces under General M'Gregor. M'Gregor had abandoned the post, which was then held by Irwin, with the Rabble which had been collected at Charleston, South Carolina, and Savannah. After consultation for the Supreme Power, between Hubbard, Aury, and his Black Followers, the latter, from the money brought with them, prevailed, and hoisted the Mexican flag.

These facts we have no doubt are all known. The information is derived from the best authority, the possession of General Aury, and from creditable

thought it proper, and have, therefore, taken the liberty, to make this Communication directly to you.

We have the honour to be, J. D. HENLEY,
Commanding Naval Forces off Amelia Island.

JAS. BANKHEAD,
Major 1st Battalion Artillery, Southern Division,
The Hon. James Monroe. Com. U. S. Troops on Amelia Island.

(7.)—*Don Vicente Pazos to the Secretary of State.*—(Translation.)
Washington, 8th January, 1818.

DON Vicente Pazos, Commissioner of the Authorities lately established at Amelia Island, in the Province of the Floridas, has the honor to salute the Secretary of State, and to request him to have the goodness to lay the enclosed Papers before the President of The United States, and also to inform him of the Resolution that may be taken on the subject.

The Hon. J. Q. Adams.

(8.)—*General Aury to the President.*—(Translation.)
Head Quarters, Fernandina,

MOST EXCELLENT SIR, 23rd Dec. 1817, and 8th of Independence.

ON the 23d instant, I received a Communication from Commodore J. D. Henley, and Major J. Bankhead, commanding the Naval and Military Forces of The United States, informing me, that agreeably to the Orders of their Government, they were, without loss of time, to occupy the Island of Amelia, and the Harbor of Fernandina.

Being convinced, that resistance with the inferior Force under my command, would only be attended with the loss of many worthy Republicans, on both sides, I considered it my duty to sacrifice every consideration to this. I, therefore, answered the said Commanders, on the same day, that I should make no opposition; and on this day, the 23rd, the Mexican Flag was struck, and the Flag of The United States hoisted.

In consequence of this event, no less unpleasing than unexpected, and in order that the Government of The United States may be correctly informed of the grounds, on which this part of East Florida was dismembered from the Dominions of the King of Spain, by the arms of the Independent States of South America, I have appointed Citizen Don Vicente Pazos, to undertake the said duty, and at the same time to secure and demand reparation for, and place on a safe and sure footing, the injured rights of the said States. Of all which I have the honor to inform your Excellency.

God preserve you many years!

The Hon. James Monroe.

AURY.

(9.)—*Don Vicente Pazos to the President.*—(Translation.)

Washington, 7th February, 1818.

DON VICENTE PAZOS, commissioned by DON LUIS DE AURY, Captain in the Navy of the Independent States of Mexico and New Granada, Political and Military Chief of the Island of Amelia, and General in Chief of the Sea and Land Forces, destined to expel the Authorities of the King of Spain, from the Province of the Floridas, addresses the Chief Magistrate of the Republic of North America, to explain the grounds, on which that Island was taken possession of by the arms of the Independent Governments of South America; and to demand reparation for the violation of the Rights of the New Republics, by a Neutral Nation; and has the honor to offer the following explanation to his Excellency JAMES MONROE, President of the United States of America, to wit:

That the Island of Amelia having been captured and occupied by force of arms, by the Forces of the Independent Republics of South America, agreeably to the usages of Nations in a state of War, and consequently, dismembered from the Spanish Monarchy, a necessity has arisen to lay before his Excellency, the violation of the rights of those Republics, to declare the injuries they have sustained, and to demand reparation. But, at the same time, he has the satisfaction to assure his Excellency, that he has received very positive Orders, to testify the most profound respect for the great American Nation, and the Chief who so worthily presides over it. Penetrated with these sentiments, on commencing the execution of my Commission, I feel myself greatly embarrassed by the unfortunate circumstances which have taken place in that Island, the fatal consequences of which cannot fail to have a powerful influence on the New States in their present vicissitudes, and absolutely to paralyze the emancipation of the Floridas, still occupied by the Authorities of the King of Spain.

It is also my duty to express to your Excellency, the admiration and veneration felt by the Patriots of South America, for the Government of The United States, and their high respect for that illustrious People, who so nobly prepared, and is still preparing the way for the emancipation and the Liberties of the New World. Impressed and familiarized as they are with these ideas, they cannot fail to be sensibly affected by these unfortunate events, it being, in truth, impossible to recollect them, without great concern: nothing, however, shall influence my expressions, in stating the differences between People, who are brethren, being convinced that they are united by bonds, which nature itself has formed, and that these fraternal relations cannot but carry The United States to the highest pitch of glory and prosperity.

There are but few Persons, most Excellent Sir, who are ignorant of the unfortunate situation of the People of South America, during

the period they were subject to the Dominion of Spain, which debarred them of all communication with Foreign Nations. By this despotic and suspicious Government, jealous of every kind of knowledge and information, they were kept in the darkest ignorance, and by the rapacity of the sabalthern Agents sent from Spain, subjected with impunity to every degree of oppression, injustice, and vexation.

These sufferings, aggravated by the vicissitudes of the Spanish Monarchy in Europe, combined with the contempt for, and scandalous privation of the enjoyment and possession of their natural rights, gave rise in 1810, to their re-assumption, after being denied and usurped by their Tyrants during 3 Centuries; their Governments were immediately framed upon popular principles; and although this great work partook of the inconveniences common to all Revolutions, and to the sanguinary system adopted by the Spanish Government with a view to paralyze it, the efforts of the Patriots triumphed, and their power and authority were established. By this political transformation, the People were inspired with vigor and enthusiasm, and the spirit of Independence which secured their general Liberty, was rapidly spread throughout the whole of the American Continent, that is in Mexico and Guatemala, New Granada and Venezuela, in Rio de la Plata and Chile, and in different parts of the Viceroyalty of Lima.

The population of the New Republic amounts to near 18,000,000 of souls, and their territory extends from Bahia de San Francisco, in 34° north latitude, to Cape Horn, forming an extent of 88° of latitude, and including Countries of every climate—the torrid and temperate zones—the best climes producing the most precious and richest fruits, superior in quality and variety to those of all other parts of the World. Its Coasts are washed on one side by the great Pacific Ocean, and on the other by the Atlantic, forming an Isthmus, where the waters of both seas mingle, by means of rivers easily rendered navigable. A Country, in fine, intersected and fertilized by the greatest rivers in the World, that may be navigated for hundreds of miles.

Countries so favored, and abounding with a numerous population, could no longer remain under the Spanish yoke, confined to the pitiful and exclusive trade of Cadiz. Their interests loudly called for an intercourse with all Nations, through the medium of a free and unrestricted Commerce. Besides, the friendship of a People possessing such rich and varied productions cannot be viewed with indifference by any Commercial Nation; and their efforts to open the sources of their riches to the industry of all civilized Communities must doubtless excite a general interest in their favor, and procure them the countenance and support of all Nations.

In their determination to throw off the Spanish yoke, the South

Americans were not influenced by the apprehensions of future evils. Their lot was notorious, and consigned to history: their sufferings and miseries, while they sought for vengeance, displayed the debasement and degradation of the human race. The most wretched of Mankind would not wish an American, subject to the King of Spain, to be deprived of his natural rights, of the protection of Law, and of equity.

Such was the state of the Spanish Colonies, when the flame of the altar of Liberty, whose temple is in the East, flashed forth, and rapidly spread to the South, to the hopes of its inhabitants. But as a People may be misled for a shorter time, by the machinations and arts of tyrants, and their minds benighted by ignorance and the spirit of despotism to enchain its victims, a length of time was necessary to ascertain the true means of guiding them in the path of liberty, the passion for which is never extinguished in the human mind.

The abuses of the Spanish Government increased the fortunes of the Monarchy in Europe, the South Americans determined to manifest their sentiments on the amelioration of their condition, and to enter into the possession of the right of self-government. Holding up The United States as their model, which they admired, and with courage, had burst their chains asunder. From the example of the United States, both as to the frame of their Government, and the details of their interior administration. In their belief that to follow their example was the sure preserver of their liberties, they felt the conviction, that the United States People have been derived those enlightened principles which secure to man the enjoyment of his property, of opinion and liberty, with the free exercise of his faculties.

Constitutions were soon promulgated, formed on the principles of the United States, with certain incidental changes, as was the case in T. during the period of their Revolution; but they never experienced a change or fluctuation in the principles previously preserved, on the contrary, to modify them by the aid of the United States, being notorious that in the deliberations of the New Congress, the first resolution was, to select and appoint commissioners, of fair and respectable characters, to proceed to The United States, the purpose of informing the President of the change of Government, and of the universal desire of opening the channels of amicable intercourse. Thus Deputies were despatched to the United States, at different times, by the Provinces of Venezuela, Granada, Rio de la Plata, and Mexico: and as early as 1793, Venezuela solicited the acknowledgement of its

sovereign and independent: but, although this measure doubtless would have tended to accelerate the liberty of that interesting portion of the New World, and stopped the effusion of blood, still so lavishly shed in this sacred cause, The United States did not think fit to take a decisive step in this matter.

In retracing these events, it is not my intention to dilate on the general rights of the Parties in a state of insurrection in America, nor on the motives which influenced the course pursued by the Cabinet (Ministerio,) nor is it the wish of my Constituents; but I conceive that I may, without impropriety, be permitted to remark, that if the Deputies had been received privately and informally, which was all they pretended to, it would not have been repugnant to cordiality, and the promotion of ulterior Communications. The Government of The United States would thus have acquired correct information, as these Deputies, while they were enjoined to pay the greatest respect to the policy and counsels of The United States, were, at the same time, instructed to communicate fully the views of their Governments, by stating their real situation and those unquestionable points of contact which offered the basis of a mutual and sincere amity and good understanding. This view is taken, I repeat it, not for the purpose of censuring the conduct of this Government, but of explaining a truth which, by its internal evidence, naturally presented itself, and which, it might be anticipated, would not escape the attention of those abroad; because these Public Agents would have afforded certain means of forming a more accurate judgment than any Persons sent thither for that purpose. A knowledge of the habits and moral and physical capacity of the People; of the hopes of their Chiefs; of the state of public opinion; and finally, of the genius and ability of their Rulers to undertake and execute their plans, could only be acquired by a familiar intercourse, cultivated during a long residence; obstacles, if not impossible, at least very difficult to be overcome by a stranger, from the difference of manners, customs, and opinions, local prejudices, religious distinctions, difference of religion, and, not unfrequently, by the very character of an observer, in which he appears, and which destroys all confidence.

The uninterrupted communication with the Agents of the New Governments, should have satisfied the Government of The United States, that the object and plan of occupying a part of the Floridas, in possession of the Spanish Authorities, were acts which could never have been undertaken without due authority; and the want of this profitable exchange of ideas could never appear more palpable than by adverting to the fact, that its advantages were not fully attained, although the same Agents communicated freely and unreservedly their measures and plans to the most respectable Citizens of these

States, through whose channel it was hoped that they would become fully acquainted with them.

The horrible assassinations committed by the sanguinary Spanish Generals Boves, Morales, and frustrated by armed Slaves, with a view to exterminate Guayaquila, obliged a number of Persons to take refuge from which the Constituted Authorities, together with Individuals, of all ages and sexes, were finally freed from pestilence, and a bloody warfare, and forced to seek refuge in the West Indies and The United States, to escape from the modern Duke of Alva, Pablo Morillo. These fugitives, animated by the love of liberty, and animated by the rescue from adversity, formed the project of snatching the Spaniards from the gripe of their Enemy, as it presented considerable resources for supporting the cause of Southern Independence, and an asylum to the unfortunate Emigrants from Venezuela, Granada, who were perishing with hunger in the month of August, 1816.

In consequence of the arrival of General Mina with arms and supplies of all kinds, of General Toledo, and the interception of a Despatch from Don José, a prize against the Floridas was decided on, under the command of 2 Generals, and a regular plan formed for conducting the expedition. Mina sailed from Baltimore for Port au Prince where he was to be joined by Toledo, for the purpose of simultaneous attacks. The damages sustained by the consequence of a hurricane, and the base and unprincipled conduct of General Toledo, frustrated, for the time, the project, which was never abandoned by General Mina.

As the desertion of Toledo could not fail to have consequences to the cause of South America, it was the duty of the American Agents to watch all the movements of the Spaniards with the greater vigilance. By such an event, he acquired knowledge of important secrets, which would influence policy and conduct towards The United States. It appears by his Conferences and official Correspondence with the State at that period. The Letters addressed by him on the 6th and 10th January, 1817, to the Chairman of the Committee of Foreign Affairs, on the necessity of a new Law to regulate the Neutrality of The United States, and the Law passed on the 3d March, evinced that the change in the policy of the Minister, was successful.

It was soon after known, that his Secretary had been sent to Madrid with Despatches, and bring back the Answer.

The South American Agents, then at Philadelphia, readily anticipated, that the Act of the 3rd March and the Communications of the Spanish Minister to his Court, could not fail to facilitate, either apparently or really, the consent of his Government to the Sale or Cession of the Floridas to The United States ; and foreseeing the injury that would result from such a state of things in that portion of the Spanish Territory to the emancipation of their Country, they found it necessary to hasten, or, as it were, to precipitate these measures ; and on the 31st March, 1817, they issued a Commission in due form to Gregor M'Gregor, General of the Armies of the Independent States of New Granada and Venezuela, &c., observing due respect to the Neutrality of The United States, to occupy by force of Arms the Island of Amelia, being part of the Dominions of the King of Spain, and in possession of the Spanish Authorities, in the name of the New Independent Governments of South America, and all the Floridas, if his force and means proved adequate.

I have the honor to annex a Copy of the Commission granted to the said General M'Gregor by the Deputies of the New Governments, together with an Official Letter from one of them. They doubtless recollected the conduct pursued by the illustrious Franklin in Europe, who granted Commissions and other Employments, even to Persons who had never been in The United States.

On the 30th July, 1817, General M'Gregor took possession of Amelia Island and Fernandina, in virtue of a Capitulation with the Spanish Commandant. The several Proclamations of the General clearly prove the principles which regulated his conduct. The good order he established, and his vigilance in preventing the violation of the Laws of The United States, or tolerating the smallest abuse, that could give any ground of dissatisfaction to Neighbors, with whom it was his wish to preserve the most perfect harmony and friendship, are well known. This state of things was unfortunately changed by means of a plot, formed by certain Individuals of The United States, destitute of resources and of every principle of morality, (although some of them had filled respectable places,) who arrived at Amelia in August, under the plausible pretext of aiding the cause of South American liberty ; but with the fixed intention of introducing confusion and disorder ; they attempted to destroy all order and subvert the lawful Authorities for the purpose of committing every sort of plunder, and making money in every way ; in fact, the combinations of these people put an end to civil peace and military discipline, and obliged General M'Gregor to leave the Island. Following their inclinations, they, for a short time, usurped the authority in the most shameful manner, and in sight of the Forces of The United States, posted at St. Mary's, who remained tranquil spectators of the scene.

A Correspondence, intercepted on board a Spanish Vessel from

Tampico, in March last, determined Generals Mina and Aury to take possession of Sota la Marino, to facilitate the former in his attempt to penetrate into Mexico ; in consequence, they proceeded from Galveston, on the 6th of April, with all their Naval and Military Force. General Aury after landing the Troops under Mina, proceeded to Matagorda, and in July, received advice of the capture of Amelia by General M'Gregor, to which place he directed his course, in order to co-operate with that Officer in the conquest of the Floridas, or in case he should not have already occupied them, to take them himself, with the Force under his command. He arrived at Amelia very shortly after the departure of the General, and found that Mr. Hubbard, the Ringleader and promoter of all the disorder and confusion, had, with other Adventurers and Speculators, usurped the authority, and that the Enemy had vigorously attacked the Post, which was on the point of being abandoned, for want of the necessary supplies. The Spaniards were immediately repulsed by the reinforcements under General Aury ; the Patriots succeeded in maintaining their ground, by force, and Hubbard, who had prudently taken refuge at St. Mary's, immediately returned from the Territory of The United States to Fernandina. By the arrival of General Aury, his plan and Party were entirely disconcerted, as he had assumed the military command, and hoisted the Mexican Flag. In fine, these wretches, on seeing themselves thwarted in their projects formed the terrible plan of driving General Aury from the Island, as they had done M'Gregor, and to seize on his Vessels and Prizes. For this purpose, they seduced several Officers, and a great number of Sailors and others, from the States ; they clandestinely removed the powder and military stores from the public Magazines, and deposited them in his house ; and they finally took up arms to commence a Civil War, which would have cost much blood, if General Aury had not checked it in the bud, by his presence of mind, and decisive measures. Mr. Hubbard, on seeing his plans discovered, and all his means annihilated, unable to survive the keenness of his feelings, died under the agonies of his crimes.

It was easy to foresee, that these speculating Patriots, their Agents in The United States, and those of the Spanish Government, would heap the most improbable calumnies on General Aury, and his People, by attributing to them their own crimes, and the course they would have pursued, if the projects of Piracy and Slave Trade they had formed, had not been effectually checked. After Hubbard's death, they still attempted to bring on a Civil War, but this was cut short by the new Laws ; and time afforded to establish a Government, which will serve as a model to other People, and which had scarcely existed 20 days, when it was dissolved by the occupation of Amelia, by the troops of The United States.

As some doubt appears to have existed, or been raised, on the

part of the Government of The United States, touching the public character of General Aury, your Excellency will permit me to refer to the Document I have the honor to transmit herewith. It will serve to show the injustice, with which this worthy Officer and distinguished Patriot, has been confounded with Pirates and Malefactors, in newspapers, private Letters, and other modes circulated through The United States. As a Citizen, I can assure your Excellency, that to his generosity and intrepidity, hundreds of unfortunates of all ages and sexes, at Carthagena and Venezuela, owe their existence, who were supported during the memorable siege of that Place and afterwards delivered from the cruelty of the bloody Morillo, by breaking the line, with 3 small Vessels of the Enemy's Squadron, composed of 35 Vessels of War, on the 6th December, 1815. Many Inhabitants of Fernandina, will also gratefully confirm his generous treatment of them, when, on being robbed by the Conspirators, General Aury gave orders that they should be supplied with daily rations.

In this state of things, when the Conquerors of Amelia looked for interruption only to the sole power at War with the Patriots, namely, Spain, appeared the Resolution of the Government of The United States, to seize on that very spot, of which they had indisputable possession. I will endeavor to make myself acquainted with the motives alleged for the justification of this measure.

According to the Message of the 2nd of December last, the principal one is the want or insufficiency of the Titles, by which this acquisition was annexed to the Territories of the New Republics of the South. But I may be permitted to declare, that according to the public rights of Nations, such an inquiry should be preceded by that of the competency of a Foreign Nation to scrutinize into such Titles. That the Republics of the South are at War with Spain, is a fact well known in these States; and that they ought to consider themselves, at least during the present dispute with the Mother Country, as real Powers, is likewise an unquestionable fact, and to be inferred from the Message. In such a case, the regular course always has been to respect the actual Possession by one of the Belligerents; and to its several Authorities exclusively belongs the right of taking cognizance of the conduct of its Subjects.

My reliance on this principle is strengthened by the consideration, that by this same Document the neutral conduct of The United States towards the revolted Colonies and Spain, is established; consequently, so soon as, by means of a Military Expedition or otherwise, whatever may be its Force, the standard of one of the Contending Parties has waved upon a Territory, the rights of Neutral Governments go no farther, than considering such Point as belonging to the Power by which it is occupied. A contrary doctrine would give rise to endless confusion, and be rendered still more inconsistent

by the diversified movements, attending a state of War. I conceive, therefore, that I may justly infer, that a portion of the Floridas, heretofore Spanish, being occupied by a Patriot Force, operating in the name of the Free States of the South and under their Flag, must be notorious to all; and that the declaration alone of their Generals, that they possess obedience to the Republics, and act with its Forces, ought to be satisfactory to Neutrals; and on the other hand, as has occurred in this case, if Ministers duly authorized, afford sufficient evidence, that they derive their powers from their Government, that single fact should exempt them from all suspicious and imputations as Adventurers.

A Negotiation between The United States and Spain, for the cession or purchase of the Floridas, does not destroy the validity of the Conquest, either of the whole or a part of them. Whilst a Spanish Possession has been unlawfully severed from the Crown of Ferdinand, remains subject to the operations of War, and may be occupied and dismembered from that Crown by the Patriots, let us suppose, that the Arms of the New Republics should invade Havana, or one of the Balearic Islands in the Mediterranean, and that The United States, to improve their trade or increase their power, should wish to acquire these Possessions by purchase or cession; in entertaining so vague a project, they could have no ground of complaint against the Patriots. The case is the same in respect to Florida, which not having actually passed under the Dominion of these States, they could suffer no loss of rights by the Conquest, and the more so, if, as is declared in the Message, it appears doubtful, whether Spain will consent to the proposal. As neither the Sale nor the Cession has taken place, so the case has not yet occurred, in which The United States can bring forward the Titles, which they can only acquire by that means.

What would be said, if another Nation, desirous of having the Floridas, should complain of The United States, for having acquired them of Spain, when it contemplated purchasing them? And what is to be said of Amelia, now held by The United States, neither by virtue of a donation from Spain, nor from the Patriots, the only Powers which have alternately been possessors of the Island, and that too in the midst of peace and friendship, and of that Neutrality, which had just been declared in the face of all Nations?

But without insisting on this conclusive consideration, one independent of general Laws recognized by all Nations, the special circumstances attending the plan of the occupation of the Floridas by the Patriots, effectually bar the pretensions formed on grounds of this nature. The Secretary of State, in his Letter of the 14th January, 1817, a period subsequent to the project of Generals Mina and Toledo, expressly shows the refusal of the Spanish Minister to accede to any agreement by which Spain would consent to alienate her rights, and

that therefore, it was unnecessary still to insist on the question of Boundaries. To these facts may be added another, which affords an additional evidence, namely, the intercepted Despatch of Don José Fuertes, confidential Minister of the Spanish Government at Havana, in which he combats forcibly every idea of the cession of the Floridas to these States, and removes all doubt on the existence of any Negotiation relative to the Cession, until new and weighty considerations should produce a change in the policy of the Cabinet of Madrid.

It was, probably, in consequence of the treachery of Toledo, that the Government of Spain was induced to speak of this Cession, as that Person was one of the Officers of the Patriots who were to co-operate in the taking possession of the Floridas, was informed of the whole plan, and knew that their final incorporation in the Union of these States, was connected with the basis of that plan. The consequence of Toledo's desertion, could not but be anticipated by the Agents of the Republics; because the Spanish Ministry must have been sensible, that a simultaneous and combined Expedition against Pensacola and Amelia, would decide the fate of the Floridas in 24 hours after its appearance, and that by the occupation of a Province, which is the key of the Gulf of Mexico, the Patriots of Mexico and the Main would be essentially aided, and Cuba itself menaced; so that in all events, the Patriots promoted the views of The United States, either in driving the Spaniards from Amelia, or in reducing the Territory; but in no event did they counteract their rights or wishes.

Your Excellency will pardon me in stating, that it was not casually, but by such legal mode, that this possession could be annexed to the Territories of The United States. I observe that its proximity is insisted on, as if the nature of right could thereby be changed, and that become just, on the frontiers, which was objectionable at a distance. But if there was not a definite point in the property of the public, as there is in that of Individuals, claiming a sacred respect, the limits of the Territories of a Government would be indefinitely extended, and every step forward would justify encroachments upon our Neighbors.

On this point, an allusion has been made to that kind of right which has been sometimes used to interfere with adjacent Territories, when they are so circumstanced as to create apprehension for the internal tranquillity of their Neighbors. It was on this principle that the European Nations acted in the League against France during her Revolution. It is evident that the Jacobins of Paris gave rise to those doctrines which led to the stability of Thrones, as it is that by their example they offended them, without bringing on their destruction. The Governments leagued to extinguish, on their first breaking out, the devouring flames of a conflagration, too mighty in its principles to

be stifled, or waited for at home. But, excellent Sir, there was nothing at the insignificant places of Galveston and Amelia to create alarm on the part of these States; the one being desert, and the other, regulated agreeably to the great plan held out by this magnanimous People to all who aspire to freedom, could give no alarm to its policy. Properly speaking, this very Establishment was a field for the other Colonies, on which, under the immediate influence of this Nation, the acts of heroism performed by it 40 years before, would be repeated. Its Inhabitants, as those of The United States, were Republican. They depended on the other Republics of America, whose existence, aggrandizement, and friendship, far from being injurious, would seem not to be indifferent to this Government. Fortunately, the whole Continent of America is still in that state in which the European doctrine on the right of inspection to be exercised on Foreign Powers, is applicable to none of its Governments, nor the balance of power, the source of so many usurpations and wars. In such a state of things, when all parts of the New World respectively call for harmony and concord, and their common Enemies are found beyond the Seas, in the Monarchs of Europe, no one will be able to comprehend how the Establishment of Amelia, for so many years in the hands of the Kings of Spain, should not have caused some alarm to this Republic, and that orders should have been given for its suppression and occupation, when in the hands of the Patriots.

I may be permitted to add, that the infant State of the Free Territory of Amelia removes the suspicion, (but little favorable, in my judgment, to the importance of The United States) that its existence was incompatible with the safety of this Government; a ground on which the interference with Foreign Powers is admitted in Europe. Admitting that the disordered state of things at Amelia was such as to claim the attention of The United States, still, before this extremity was resorted to, suitable Reclamations should have been made of the Local Authorities and the New Republics of the South, and they would have tended to show the dependence which that Establishment felt on these States. And if they were considered as Pirates, why were they not proceeded against, conformably to the Laws of Nations, without allowing them to evacuate the Place with their Troops and effects? Why grant this indulgence to People who are proscribed by all Governments? Why treat them at one time as Patriots at war with Spanish Royalists, and at another as if they were to be considered in a different light? I am at a loss, most excellent Sir, to comprehend the true meaning of these opinions.

I should be essentially wanting in the due discharge of my duty, were I to omit to state, that the Government of The United States exercised a premature authority in the Island, even before their Forces took possession of it; while, at the same time, under a sense of its

justice, it is my duty to declare, that my Constituents attribute this remarkable circumstance to the irregularities of the Officers apparently destined to detect Smugglers. The United States Brig of War *Saranac* intercepted and retook Prizes made on the High Seas by Independent Privateers, coming in or going out; not within the jurisdiction of The United States, but within the Waters of Florida, and while there at anchor; and further, the said Prizes were detained within The United States, and condemned in their Courts, notwithstanding their incompetency. By the same means, all the Prizes made by the Independent Privateers on the High Seas might have been detained. Hitherto Neutrals were only required by the Law of Nations, to refuse the entry of their Ports to the Prizes of Belligerents, or their sale in them, or affording any facilities directly favorable to one of the Parties in carrying on hostilities. In the present case, the Prizes were taken possession of, without attempting to enter the Ports of The United States. But that a Foreign Government should establish an Admiralty Court, or transfer this Court, which should be on the proper Territory, within that of The United States, is a thing wholly inexplicable. They have admitted the Reclamations of the Agents of Spain, one of the Belligerents; and when certain Prizes escaped the aforesaid Brig *Saranac*, they have even been pursued into the Harbor of Amelia, and carried off from their anchorage, as occurred in the Case of the Schooner *Tentativa*, which will appear by the Document annexed.

But even admitting that the situation of Amelia was favorable to Smuggling and the introduction of Slaves into The United States, this will not justify its occupation more than it would that of the whole Coast of Africa, the great nursery of Slaves. In such case the right of a Foreign Government is confined to watching its Coasts; but not to go and destroy, within an adjacent Territory, whatever may be employed in carrying on a Contraband trade. A fact not to be omitted, and which I shall substantiate, is;—that a greater number of Slaves were introduced into Amelia, when in the hands of the Spaniards, than when in possession of the Patriots, and that this infamous traffic was carried on regularly, at the River St. Johns, by the Spaniards and the Inhabitants of Georgia;—that all this was notorious and evident as the sun at noon-day;—and, finally, that a Vessel which sailed from Amelia returned from the Coast of Africa, with a Cargo of Slaves, direct to that Port, without knowing it was in possession of the Patriots, and was confiscated in consequence: but the introduction of those Slaves gave no alarm to the Government of The United States.

The Commanders at Amelia, conforming to the solemn and efficacious Decrees of the Republics of the South, prohibiting this abominable traffic, never tolerated its being carried on from that Place. It is true, the Slaves captured from the Spaniards, were carried thither: this species of trade, the accidental result of Warfare, could neither be [1817—18.]

restored to the Enemy nor destroyed. If American Citizens went to purchase them at Amelia, and afterwards conveyed them into their own Country, they alone were the violaters of its Laws, and not the South Americans. Desirous to prove to this Government, that the Patriots have not infringed the internal Regulations of these States, I take the liberty to enclose to your Excellency, the Certificates of several respectable Inhabitants of St. Mary's, in Georgia.

The last objection offered against the Establishment of the Patriots, at Amelia, consists in the humiliating character attributed to them, doubtless for want of the data, which I now do myself the honor to lay before your Excellency. Such has ever been the fate of those who combat for national liberty, to be applauded by posterity, and mortified by their Cotemporaries. When the great Washington, at the head of 1,600 men, displayed his constancy in the defence of the liberties of his Fellow-Citizens, it was not allowed to call him Disturber of the public peace, and Desperado. But finally, the Patriots are not a handful of Adventurers:—the employments and services to which they were appointed by the Governments on which they depend, remove all doubts as to their character; and the Commission issued by the Ministers of the New Republics, directing their operations, exempts them from the imputation of belonging to such a description of Persons. If, however, the competency of this power be questioned, and it be necessary to establish it by the amount of the Force, it must be recollected, that on the breaking out of Civil Wars, and when the establishment of a Nation is still disputed, some apparent informalities are admitted, which are not overlooked in settled Governments. In these cases, the contest is carried on more by individual, than by the public resistance, as time is not yet afforded to organize the latter, and by the pecuniary aid of Private Persons, as well as by their opinion. On this point, I confidently appeal to the signal experience acquired by your Excellency, in the struggle for the Independence of these States; and, if in the course of their history, the existence which it was the object of their effort to give to this Nation, seemed to depend on a few, there appears no sufficient reason to disparage the firmness of modern Republicans.

I shall make bold to affirm, that the various descriptions of Persons, composing an Army, never affected its national character, provided they acknowledged a dependence on some Government; in the same manner as Individuals, though of different origin, are incorporated into a Nation, by the fact of their submitting to its Laws. Your Excellency will thus perceive the true light in which the Establishment at Amelia is to be viewed,—as one formed by the New Republics of the South, at the hazard of the perils of War, and authorized by the regular proceedings of their Ministers. If, however, it was regular, or admissible, to claim the sanction of those Governments for the

occupation of the Floridas, it might be done by the means established by those, who conceive they have some positive right and title to a succession to the Spanish Authority; but at least, the testimony of their Agents is entitled to respect, when they give the solemn assurance, that they have been regularly authorized to take that step, that they made suitable arrangements, and held it by the force of arms; and finally, (I hope I may be permitted again to refer to the heroic history of these United States) under the circumstances in which some of their Provinces were placed, the same Authority should be respected in their Agents, as was exercised by the immortal Franklin, at Paris, when he issued Letters of Marque and Reprisal, and signed Commissions to Officers, notwithstanding the British Minister, Lord Stormont, also treated them as Pirates and Rebels;—and here, the memorable Answer of the Count of Vergennes, seems particularly deserving of being cited with gratitude, when, on the British Minister's remonstrating on this point, he replied definitively: "That the King has a right to consider the Inhabitants of that vast Continent, in the light of an Independent Nation, especially as their Sovereign had proved the impossibility of subjugating them." In our case, the same impossibility has been proved by the King of Spain, because his Forces were neither able to retain possession of the Place, nor to recover it, when reduced,. Hence it follows that, the Patriots of Amelia having no other declared Enemies than the King of Spain, any Foreign Force employed against them, must be considered as allied with Spain, and acting in its name, which is in direct opposition to the Neutrality declared by The United States, in face of the World.

Relying, therefore, on these incontrovertible grounds, to wit: that the occupation of Amelia by the Patriots was a real conquest, and thereby conferred all the rights acquired by an open and regular warfare; that the proposed Negotiation with Spain transfers no right of property to The United States; that the right of watching over the observance of their Laws gave them no right to destroy or suppress an Establishment of another Government; that the Island of Amelia, having never belonged to The United States, they could not pass Laws affecting its internal Government and the Sovereignty of its Territory; that the allegations of contraband trade and the introduction of Slaves, through that Island, are unfounded, and refuted by the Documents exhibited; that there does not exist a single fact to prove the infraction of the Laws of The United States, by the Patriots; that, on the contrary, the Authorities and Inhabitants of that Island, have been scandalously injured and deprived of their rights, without lawful cause or motive, in time of profound peace:—Wherefore, and in consequence of the injuries and wrongs committed by a Neutral Nation, I am fully authorized to address this express Reclamation to

yout Excellency, to the end that, and above all, restoration be made of the Island of Amelia, the possession of which has been, by force and violence, wrested from its Possessors and Liberators.

To these violations, wrongs and injuries, must be added the detention and seizure of the private property of the Citizens of the Republics of the South, which, without the color of authority, has been captured within the waters of the Floridas, by the Brig of War, *Saranac*, thereby depriving the lawful Owners of their property, with manifest injustice; an act supported only by an arbitrary exercise of force. And as the seizure of the property of Citizens, not within the jurisdiction of this Government, must be viewed as a flagrant outrage, and highly injurious to the National character, I reclaim of your Excellency to give orders for the restoration of all Vessels captured, including the Schooner *Tentativa*, and those Prizes which came in after the occupation of the Island by the arms of The United States; and as these Vessels come under the description of private property, which was excepted in the summons of surrender, it must be considered as very little decorous that their Owners have not been reinstated in possession of them. But if, contrary to my expectation, an act of justice so clear and evident should be withheld, I am under the necessity of protesting, as I now do protest, in the name of the Independent Republics, and of the Authorities acting under them,—namely:

I protest against the violation of the Laws of Nations; regulating my Protest according to the construction given to the said Laws by the Authorities of The United States, which declare, that in the case of a Civil War, there can be no arbitrament or umpire between the Parties, but by their own consent.

I protest against the interruption, seizure, and detention of the several Vessels and Cargoes, taken from the Enemy on the High Seas by the Patriots, and against the violation of the Neutrality of these States, and of the freedom of the Seas, in having carried the arms of this Government beyond their jurisdiction, and into the waters of the Floridas; and I demand indemnification for these losses and injuries, together with the value of the property so taken.

I protest, in the name of the said States, against the injuries committed on the Cause, in general, of the Independent Republics of the South, by the invasion of the Island of Amelia by The United States.

I protest against the damages and arrears, resulting from the non-performance of the agreements and obligations entered into by the Patriot Authorities and their Agents at Amelia, to obtain the means of effecting the Independence of the Floridas, occupied by the Spaniards, and of aiding and assisting the other States of the South. I demand that, in case of the continuance of the dispossession of the Island, the public property therein captured by the Patriots in fair warfare,

may be justly valued, such as the Forts, Warlike Stores, and the Public Buildings, constructed by them after their entry and occupation, at their own cost and charge, and that their value be refunded; and in respect to the moveable property, which may still remain in the Island or in The United States, that it be placed at their disposal, to be freely enjoyed by them, or the value thereof refunded them, by adjusting this and other just reclamations, within a given period and in the shortest possible delay, by Commissioners to be respectively named for this purpose.

I also demand that the said Commissioners, so duly authorized, be charged with the examination of the great charges and expenses attending the Military Expedition of the Patriots against the Floridas, and that their liquidations be prepared by the General Treasury of The United States.—All which I require in virtue of my Instructions.

And reserving further whatsoever may justly appertain to the rights of the New Republics in relation to these events, and in the discharge of my trust, I ratify and confirm, before the Universe, and the impartial justice of the great People of The United States, each one of these Protests and Demands; trusting that they will be satisfactorily attended to by the Chief Magistrate of this free and kindred Nation, and that I shall thus be enabled to transmit to the extremities of the American Continent and the Globe, this fresh proof of his justice.

The Hon. James Monroe.

VICENTE PAZOS.

(Enclosure 1.)—*Sir Gregor M'Gregor's Commission.*—(Translation.)
Philadelphia, 31st March, 1817.

THE Deputies of Free America, resident in The United States of the North, to their Compatriot, Gregor M'Gregor, General of Brigade, in the service of the United Provinces of New Granada and Venezuela, greeting:

Whereas it is highly important to the interests of the People whom we have the honor to represent, that possession should be taken, without loss of time, of East and West Florida, and the blessings of free Institutions, and the security of their natural rights, imparted to their Inhabitants. In pursuance of our Instructions, and in conformity to the desires of our respective Governments, we have commissioned Brigadier General Gregor M'Gregor, for the purpose of carrying into execution, either wholly or in part, an enterprise so interesting to the glorious Cause in which we are engaged.

Therefore, taking into consideration your zeal and devotion to the Republic, we request you, in the name of our Constituents, to proceed, on your own responsibility, and that of the above named Provinces, to adopt such measures as in your judgment may most effectually tend to procure for our Brethren of both the Floridas, East and West, the speedy enjoyment of those great benefits to which they are invited by

the importance of their geographical situation ; and for that purpose we authorize you, without departing from the usages and customs of civilized Nations in like cases, and the due observance of the Laws of The United States, and particularly those regulating their Neutrality with Foreign Powers, to cause Vessels to be armed without the limits of their jurisdiction, and provisionally to grant rank to Naval and Military Officers, until the Government to be established by the free will of the said People, can provide in the most suitable mode for the arrangement of their several Departments ; in the execution of all which, the Instructions delivered to you of this date will serve as your guide.

Signed, sealed, and delivered, at the City of Philadelphia, the 31st of March, 1817.

LINO DE CLEMENTE, *Deputy from Venezuela.*

PEDRO GUAL, *Deputy from New Granada ; and Proxy for F. ZARATE, Deputy from Mexico.*

MARTIN THOMPSON, *Deputy from Rio de la Plata.*

(Enclosure 2.)—*Don Lino de Clemente to Don Vicente Pazos.*
(Translation.)

SIR, *Philadelphia, 15th January, 1818.—8th.*

By Letters from General Don Luis de Aury, and Don Pedro Gual, dated at Fernandina, the 26th December last, I have been informed, that they have commissioned you for the purpose of presenting to the President of The United States a Protest, in the name of the Independent Government of South America, against the invasion of Amelia Island by a Naval and Military Force of the said States, on the 23rd of December last, and to demand the restitution of the Vessels captured from the Enemy, which have been detained and sent to different Ports by American Vessels of War.

Although the Government of Venezuela, of whose Full Powers I am the bearer, is included in your Commission, jointly with those in whose name possession was taken of Amelia Island, yet it has seemed to me to be proper, specially to authorize you, as I do hereby, to protest, in the name of my said Government, against the invasion of Amelia, and all such further acts of the Government of The United States, as are contrary to the rights and interests of the several Republics, and the Persons sailing under their respective Flags, duly commissioned.

And to enable you satisfactorily to prove that Amelia Island was taken from the Spaniards by a competent Authority, I enclose a Copy of the Commission granted to General M'Gregor on the 31st of March last, by the Deputies of the Independent Republics.

The motives alleged by the Government of the United States, in

justification of their hostile measure, serve to prove their own futility, and clearly demonstrate, that the sole object was the acquisition of the Floridas, without forming any other calculations, than those founded on the more or less exhausted state to which the Patriots may reduce the Spanish Government; and in consequence, the pretext of a want of Authority in the Parties who took possession of Amelia and Galveston, was at one time resorted to, and at others, that those Establishments were formed to serve as a shelter to Pirates and Smugglers; finally, that no Foreign Power could be permitted to establish itself in the Floridas, alleging a Secret Act passed in 1811, which is inapplicable to the present case.

I flatter myself that it will be very easy for you to prove, that The United States have no other grounds for this step, than their own convenience supported by force.

I have repeatedly transmitted an account to my Government of the occurrences at Amelia Island after its occupation by General M'Gregor, requesting it to communicate the same to the Government of New Granada, at Casanare; and to enable me to continue my Communications, which existing circumstances make interesting, I request, Sir, you will be pleased to inform me, as speedily as possible, of the result of your Mission. I have the honor to be, &c.

Don Vicente Pazos.

LINO DE CLEMENTE.

(Enclosure 3.)—General Aury to Don Jose Manuel Herrera.

(Translation.)

SIR,

Galveston, 21st July, 1817.

CIRCUMSTANCES attending our situation, have induced me to make a diversion for the benefit of the cause we are engaged in the defence of, and to take a new position, with a view to distress the Enemies of our liberty. After consulting with Persons attached to the Cause of Mexican Independence, I have, for the present, determined to abandon the Establishment at Galveston. I inform your Excellency of this resolution, and that I take with me the Judge of the Admiralty Court, the Administrator of the Customs, and all the Constituted Authorities; and, at the same time, notifying that all proceedings, since the 31st July, are to be considered as having taken place without my consent, and contrary to my will; and, therefore, that every transaction, not signed by Citizen Pedro Rousselin, acting Administrator of the Customs, now with me, is to be held as illegal.

It was my original intention, to have left a Lieutenant-Governor and a Deputy Administrator of the Customs in my absence; but I was apprehensive, that these Officers would not have a Force sufficient to maintain order, and that attempts might therefore be made, to commit disorders in violation of the Law of Nations, and particularly of

those of The United States, which is contrary to the Orders of my Government and my principles.

God preserve you many years.

Don Jose Manuel Herrera,

LUIS AURY.

Minister Plenipotentiary of the Mexican Republic.

(Enclosure 4.)—Commissions and Employments of Don Luis Aury, Citizen of the Republics of New Granada and Mexico, Captain in the Navy of the said Republics, as appear by the Original Documents in my possession.

(Translation.)

JUNE 9, 1813.—Entered into the Service of the Republic of New Granada, as Lieutenant in the Navy, as appears by a Certificate of the Secretary of War, Don Vicente Vesos, dated at Carthagena, May 6, 1815.

August 10. Appointed Commandant General of the Naval Forces of New Granada, stationed at Carthagena, where he performed the most signal services during the siege and blockade of that Place, in saving the lives of near 3,000 Persons, and the remaining portion of the Naval Force. These eminent services are acknowledged and commended by General Don Joseph Francisco Bermudes, in his Certificate, dated at Cayes, 25th May, 1816.

September 12. At a meeting held at Galveston, in the Province of Texas, in the Territory of Mexico, by Don José Manuel Herrera, Minister Plenipotentiary of the Republic of Mexico, appointed to repair to The United States of America, a declaration is made of his full and ample powers, authorizing him to proceed and take all requisite measures in aid and support of the cause of Mexican Independence; by virtue of which he proceeded to form a Government with all the necessary Authorities, by arranging the several branches of Public Administration, and declaring the place of Galveston, as the established Port of the Mexican Republic, or, in case of a want of the necessary security, at Matagorda, or any other more suitable.

The Commandant Aury was appointed by the said Minister, Civil and Military Governor of the Province of Texas, and the New Establishment, and after taking the Oath of fidelity to the Mexican Republic, its Flag was hoisted, as appears by the Record of the Proceedings of that day.

September 16. The Minister created and appointed the necessary Authorities, traced out their respective functions, established the Public Treasury, and invested the Governor with a discretionary power to fix the asiento, or residence of the Governor.

October 18. Received ample and general Instructions to act ac-

cording to circumstances, in defending himself against the Enemy, and for the effectual promotion of the public service.

October 20. Authorized by the Minister to form Rules and Regulations for the Navy.

January 27, 1817. Received Despatches from the Minister at Nantla, with information of the state of the interior, and recommending to keep possession of a Harbor, from which succours might be sent to the Patriots.

Conformable to the Documents referred to.

VICENTE PAZOS.

(Enclosure 5.)—*Report of the Committee of the Assembly of Amelia Island.* (Translation.) *Fernandina, 19th December, 1817.*

THE Committee appointed by this Honorable Assembly to obtain information relative to the Transactions between the Republic and The United States' Brig *Saranac*, J. H. Elton, Esq., Commander, beg leave to report:

THAT, in obedience to the trust reposed in them, they have endeavored to procure every information, and have the honor to lay before the House a Copy of the Correspondence between the Republic of the Floridas, and J. H. Elton, Esq.; also the Affidavits given by respectable and worthy Characters, who were actually on board the Vessel, when attempted to be boarded.

By these Documents, it is proved beyond a doubt, in the opinion of your Committee, that the Schooner *Tentativa* was attempted to be boarded, and was, by the Boat sent to intercept her, fired upon in the very waters of Amelia. Whatever may have been the motives of the Commander of the *Saranac*, in ordering or approving such a violation of neutral rights, they can, in the judgment of your Committee, never be sanctioned, much less, could they have been ordered, by that enlightened Government, which has itself contended against the right of search on board their own Vessels, even when out of their waters. How, then, could Captain Elton, certainly unauthorized, take upon himself to board our Vessels in our very waters? What authority could he have had to detain those Vessels, to molest our commerce and to threaten us, if we should rescue from him, or protect a Vessel under our own Flag, and at anchor in our own Harbor, that he would consider us as having hoisted the Flag of defiance, and should act accordingly? What authority? None other than that which he must have unjustifiably assumed.

These are not the only observations that are to be made respecting his Correspondence; but the Committee will dispense with entering upon further details, which are but too plain to the Honorable Assembly, to admit of additional explanation; they, therefore, beg leave to

present the following Resolutions, which they strongly recommend to be put in immediate execution.

Resolved, That the Correspondence and other Documents relative thereto, now before the House, be immediately printed.

Resolved, That these Documents, with a Statement of the Transactions that have taken place, be officially transmitted by the earliest opportunity, to the President of The United States, exposing the injustice and arbitrary conduct of Captain Elton, well assured that complete justice will be done us.

Fernandina, 12th December, 1817.

(Sub-Enclosure 1.)—*Affidavits of John Austin, and Others.*

Republic of Floridas, Fernandina, 9th November, 1817.

JOHN AUSTIN, Prizemaster of the Schooner *Tentativa*, being duly sworn, replied as follows :—Question. What day did you arrive at the Port of Fernandina? Answer. I arrived on the 8th of this month, in the armed Schooner *Tentativa*, prize to the Mexican armed Schooner *Brutus*, Captain Jolly, at about 8 o'clock in the evening. Question. What happened to you when coming into the Harbor? Answer. Between 5 and 6 o'clock of that evening, I was boarded by the *Saranac's* Boat outside of the Bar, and treated politely, but after passing the buoy in the middle ground, I saw another boat full of men, attempting to board my Vessel again, but missing her, they caught hold of the Boats that were astern; I then cut the painter, upon which the Officers jumped into the Boats and hailed, saying, "to hell, you d—d rascals, we shall fire into you," which they did; and the American Fort and the *Saranac* then immediately fired each 3 shots. Question. What did you afterwards? Answer. I fired 2 muskets, and prepared to defend my property. Question. Why did you fire at an American Boat, knowing that we are at peace with The United States? Answer. I did not know whether that Boat was American or Spanish. Question. How can you say this, when the American Colors were displayed in the Boat? Answer. The Spaniards could have done the same to decoy and take the Vessel. Question. Were you in the American waters, or, what they called before, the Spanish waters? Answer. I was as close to the beach of this Island as I could be, and of course I was in what they generally call the Spanish waters.

The same day appeared before me, Mr. Charles Johnson, who being duly sworn, deposed as follows :—Question. Did you see the *Guineaman* Schooner come into port? Answer. I did. Question. Did you see the Boats when they attempted to board the Schooner? Answer. No; but I saw her when she was luffing round the outer point of Amelia, close into the beach, where the Boats were, and did keep a steady fire, until she had entered the sound, and then the Fort and

Brig *Saranac* fired 3 shots each ; the last shot was fired by the *Saranac* after the Prize entered considerably into the Harbor of Amelia. Question. Did you believe the *Saranac* to be in the Spanish or American waters ? Answer. I believed her to be more than half way over the channel of St. Mary's River, and of course in what was originally called Spanish waters. Question. Do you think, or are you certain, whether the Schooner was in the American or Spanish waters when fired upon. Answer. I am certain she was in the Spanish waters. Question. How do you know that ? Answer. From the experience and knowledge I have of those waters, having been a Pilot 7 years or thereabouts, and having known the Place for 34 years, being a Native. Question. Are you a regular Pilot under the American Government, as well as from the State of Florida ? Answer. Yes ; having had my branch for about 7 years, from the American Commissioners at the Port of St. Mary's.

Also, on the same day appeared before me, Mr. John W. Johnson, who being duly sworn, gave the following testimony :—Question. Were you on board the Slave Schooner *Tentativa*, when she entered this Port on the evening of the 8th instant ? Answer. I was, being her Pilot. Question. What did the Officer of the *Saranac's* Boat say or state, when they attempted to board the Vessel ? Answer. They attempted to board the Schooner without saying a word, until she had passed and they had hold of the Boat astern ; the Carpenter of the Schooner then cut away the painter, and they, being adrift, jumped up in the Boat, saying, “you d——d rascals, if you do not heave to, we will fire into you,” and immediately fired, being at a distance of about the Vessel's length, or within pistol shot. Question. What did the Prizemaster answer in return ? Answer. He made no reply, but prepared for defence, and fired 2 muskets after the Officer of the Boat, who, I believe, fired twice, before the men had fired. Question. Was the Vessel then in the American or Spanish waters ? Answer. She was in the Spanish waters ; as I had carried her so close into Amelia Beach, that had I gone any nearer, the Vessel would have grounded. Question. At what distance from the beach was the Vessel, when they commenced firing ? Answer. 150 feet, or thereabouts. Question. Was the *Saranac* lying in the American or Spanish waters ? Answer. To the best of my knowledge in the Spanish.

On the same day, appeared before me William Price, Captain of the British Schooner *Betsy*, detained by the private armed Schooner *Brutus*, Captain Jolly,* who being duly sworn gave the following testimony : Question. Were you on board the Schooner when she

* The British Schooner *Betsy* was detained, as has been reported by the Captain of the *Brutus* to the Court of Admiralty, on the ground of being despatched by the Intendant of Havanna, with a Cargo of Ammunitions of War for General Morillo, on the Spanish Maine.

was boarded by the *Saranac's* Boat? Answer Yes; the Boat boarded first when outside of the bar, and hailed us very politely; after crossing the bar, and being on the middle ground, another Boat attempted to board the Vessel, but missing her, caught hold of the boats towing astern; upon which, the Captain gave orders for the Carpenter to cut the tow rope, which being done, the Officer stood up in the Boat, desiring the Captain to heave to, or he would fire into the Schooner, which the Captain, or Prizemaster, not thinking proper to comply with, they fired one musket; the Prizemaster then called for arms to defend himself, upon which the Boat fired another musket, whereupon the Prizemaster returned the fire twice. Question. What was the distance between the Vessel and the beach? Answer. About twice her own length; for I heard the Pilot say, if he went any nearer, he would touch the Amelia Beach. Question. Was the *Saranac* in the American or Spanish waters? Answer. Having no knowledge of these waters, I cannot say.

(Sub-Enclosure 2.)—General Aury to Don Vicente Pazos, &c.
(Translation.) . Head Quarters, Fernandina,
Amelia Island, 10th December, 1817,
GENTLEMEN, and 1st of the Independence of the Floridas.

IN consequence of your Letter of yesterday, I have the honor of enclosing you a Copy of the Documents in my possession, relative to the Correspondence that has taken place between this Republic and Capt. Elton, Commander of The United States' Brig *Saranac*; and also the Proceedings of the Court of Inquiry appointed to investigate carefully the conduct of Capt. Austin, verifying the different statements which had been made. I have the honor to be, &c.

Don V. Pazos, I. Murden, & L. Comte.

AURY.

(Sub-Enclosure 3.)—Capt. Elton to General Aury.

United States' Brig, *Saranac*.
Cumberland Island, 3rd November, 1817.

SIR,
I HAVE just received a Note from B. Farnham, mentioning his confinement at Fernandina, and requesting my interference, as he conceives his life in danger. As he is an American Citizen, and situated as Fernandina is, I am bound to make that request, and hope that his offence is not so great but that he may be delivered to an Officer of this Vessel, sent for that purpose. If he has willingly subscribed to any Military Law or Regulation, and has broken them, I shall not urge this request; but the life of a Citizen being too valuable to be jeopardized, I shall write to the President of The United States on the subject, and expect, until his determination is known, that his life is not injured. If he has not subscribed to any

Military Law, it would be well to consider the right to try him, as no Declaration of Independence has been issued, or acknowledged by The United States.

I am sorry to trouble you ; and have the honor to be, &c.

General Aury.

JOHN H. ELTON.

(Sub-Enclosure 4.)—*General Aury, to Captain Elton.*

Head Quarters, Fernandina, 4th November, 1817,

SIR,

and 1st of Independence.

YOUR Letter of yesterday, relating to Captain Farnham, or Varnum, a Prisoner in this Place, and accused, before a General Court Martial, of sedition, and as a Ringleader in mutinous acts, was duly received. I am sorry to state to you, in answer, that the circumstances attending the case of this Individual are very different from what he has reported to you. Mr. Farnham has been serving on Board of Privateers of South America, and was actually fitting out a Schooner, for which it was refused to him a Privateer's Commission, in consequence of his former irregular behaviour. Besides this, the nature of the crime of which he is accused, tending to nothing less than the disturbance and annihilation of social order, our right to try and punish him conformably to the Laws of The United States, which we have momentarily adopted, can in no manner be put in question. This is a right common to all Nations, for the observance of which we are as deeply interested as The United States. Allow me, however, to assure you, that only the esteem I have for yourself personally, the respect and interest with which every Citizen of this Republic looks forward to every thing that interests our Neighbors and Brothers of The United States, could have induced me to enter into the present exposure.

I have the honor, &c.

John H. Elton, Esquire.

AURY.

(Sub-Enclosure 5.)—*Captain Elton to General Aury.*

United States' Brig, Saranac,

SIR,

Cumberland Island, 9th November, 1817.

LAST evening a Schooner passed into Amelia or Fernandina, that had been attempted to be boarded by a Boat from the *Saranac*. She fired at the Boat: whatever character she assumes, she must answer for the insult according to the Laws of The United States. I cannot believe that yourself, or the people of Fernandina, can give the least sanction to such proceedings: under that belief, I have sent a Boat to bring her over to the American waters, provided no objection was started. If she is refused or protected, I shall consider that Fernandina has hoisted the Flag of defiance, and act accordingly.

I have the honor to be, &c.

General Aury.

JOHN H. ELTON,

(Sub-Enclosure 6.)—General Aury to Captain Elton.

Head Quarters, Fernandina, 9th November, 1817,

SIR,

and 1st of Independence.

I HAVE received your Official Letter of this day. As its contents relate to matters of so much consideration, I have ordered that the necessary investigation of the conduct of the Prizemaster be made. I may, however, inform you, that should he be found culpable, he shall be punished according to the Laws of Nations: as this Government has no other views, than to maintain good understanding and harmony with yourself, or any other Officer of The United States, it will not remain behindhand in giving every satisfaction that is just.

I have the honor, &c.

John H. Elton, Esq.

AURY.

(Sub-Enclosure 7.)—Captain Elton to General Aury.

United States' Brig, Saranac, Cumberland Island,

SIR,

10th November, 1817.

YOUR Letter of yesterday was duly received. I had hoped that the rising Republic of Amelia, would not undertake to harbor Vessels that might commit themselves, particularly where the Laws of the United States were concerned, but supposed it would comport with the honor and interest of the Place, to turn any such Vessel from their waters. You say that the conduct of the Prizemaster shall be examined into, and punished if found guilty. I had mentioned the insult offered, and wished the offence to be tried in The United States. The verbal message returned by the Officer of the *Saranac*, is not such as I expected. I did not request you to deliver the Vessel to me; it was my belief that you would, on hearing the offence, refuse her a harbor; other responsibility I would take on myself. You have heard my individual opinion as regarded the Patriot Cause; with the same candor, I again inform you, that assume whatever character that Vessel may, she must be accountable. I likewise inform you, that if ever I fall in with the Sloop *Astrea*, without the jurisdictional limits of the Floridas, she will be seized for a breach of the Revenue Laws.

I have the honor to be, &c.

General Aury.

JOHN H. ELTON.

(Sub-Enclosure 8.)—General Aury to Captain Elton.

SIR,

Head Quarters, Fernandina, 13th November, 1817.

YOUR preventing Vessels from going out and coming into this Port, in consequence of your Boat having fruitlessly attempted to board the Schooner *Tentativa*, prize to the private armed Schooner of the Republic of Mexico, the *Brutus*, within our waters, and not more than 150 feet from the beach of this Island, has induced me, in order to avoid all difficulties, for the present, to consent to give her up to you,

in hopes that the Government of the United States, will do us the justice which becomes a free and great People.

I have the honor to be, &c.

John H. Elton, Esq.

AURY.

(Sub-Enclosure 9.)—*Certificates of Residents of St. Mary's, Georgia.*

(A.)—*Certificate of Dr. Parsons and Others.*

St. Mary's, 19th December, 1817.

WE, the Subscribers, Citizens of The United States, residing in the State of Georgia, and Town of St. Mary's, and its vicinity, do certify, that we believe that the Government of the Republic of the Floridas, has not intentionally, nor in any manner knowingly violated the Laws of The United States. We farther certify, that we have no knowledge of any Law being passed in that Republic, encouraging the introduction of Slaves from Africa, into the Province, but that their Vessels have captured and brought into the Port of Fernandina, several Spanish Vessels from the Coast of Africa, with Slaves. We farther certify, that no one instance within our knowledge, has occurred, of a Slave from this or any other of The United States, having made that Place his resort, but he has immediately been restored on application being made. We further certify, that we have sufficient reason to believe it was never their intention to make that Place a Port for smuggling into The United States, as the principal property from that Port, has been brought and entered in the Custom-house here.

We farther certify, that from the honorable deportment of that infant Republic, we believe their intentions are good, and that they wish to be friendly, not only with The United States, but with all other Nations but that of Spain, with whom they are now struggling for that inestimable blessing we now enjoy.

J. PARSONS, M. D.

FRANCIS YOUNG.

EDMUND RICHARDSON.

JOSHUA HICKMAN.

(B.)—*Certificate of D. Lewis.*

St. Mary's, 20th December, 1817.

The Subscriber, being a Citizen of The United States, residing in the Town of St. Mary's, Georgia, has had an opportunity of making himself acquainted with most of the public transactions that have taken place at Amelia Island, since the arrival of what is termed the liberating Army of the Floridas, at that Place, and having read many very erroneous statements in several public newspapers, printed within The United States, against the character and conduct of the Persons in authority, at Fernandina, considers it no more than an act of justice to the Individuals composing that Government, to state, that as regards any encouragement given to Runaway Negroes, from The United

States, a public Order was issued by the Authorities there, at an early period, to prevent that evil. Nor has there been a solitary instance of any such Slave being detained from his proper Owner, on due proof thereof being made. With regard to the introduction of Slaves from Africa, the Subscriber is of opinion, that none have been imported to Amelia Island, since the month of June last, except such as have been captured in Spanish Vessels, bound from the Coast of Africa to the Island of Cuba; and so far as has come within the knowledge of the Subscriber, the principal Persons in authority there, have universally manifested a becoming respect for the persons and property of the Citizens of The United States, and have on all occasions, expressed their veneration for the Constitution and Laws of the same.

D. LEWIS.

(C). *Certificate of James Monk.*

St. Mary's, 20th December, 1817.

By request of Doctor Chappell, I acknowledge, that since my residence in this Place, I have not known that the Government of the Patriots of Fernandina has induced Negroes to leave The United States, but on the contrary, has issued Proclamations to return any Runaways to their respective Owners. As respects — in some purchases I have made there, I can only say, I have sustained considerable losses from their non-compliance with the conditions of sales.

JAMES MONK.

(10).—*The Secretary of State to Don Vicente Pazos.*

SIR,

Washington, 5th March, 1818.

YOUR Memorial, addressed to the President of The United States, and the Papers accompanying the same, have been laid before him: and I am directed to inform you, that his views of the Transactions at Amelia Island, and the measures which he thought proper to take in consequence of them, have been made known to the World by his Communications to Congress at the commencement of their present Session, and by his Message of the 13th of January last.

He has given full consideration to your Memorial, and other Papers, and perceiving nothing in them exhibiting the proceedings at Amelia Island in a different character from that in which he had before viewed them, he sees no reason for revoking any of the measures which have been taken by his directions in respect to that Place, and nothing that requires any other Answer to your Representations.

I am, &c.

Don Vicente Pazos.

JOHN QUINCY ADAMS.

MESSAGE from the President of The United States, transmitting information in relation to the Independence and Political Condition of the Provinces of Spanish America.—25th March, 1818.

MESSAGE OF THE PRESIDENT.

Washington, 25th March, 1818.

IN conformity with the Resolution of the House of Representatives of the 5th of December last, I now transmit a Report of the Secretary of State, with a Copy of the Documents which it is thought proper to communicate, relating to the Independence and Political Condition of the Provinces of Spanish America.

The House of Representatives.

JAMES MONROE.

The Secretary of State to the President.

Department of State, 25th March, 1818.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 5th December, has the honor of submitting the Documents herewith transmitted, as containing the information possessed at this Department, requested by that Resolution.

In the Communications received from Don Manuel H. de Aguirre, there are references to certain Conferences between him and the Secretary of State, which appear to require some explanation.

The character in which Mr. Aguirre presented himself, was that of a Public Agent from the Government of La Plata, and of Private Agent from that of Chili. His Commissions from both simply qualified him as Agent. But his Letter from the Supreme Director, Pueyrredon, to the President of The United States, requested that he might be received with the consideration due to his *diplomatic* character. He had no Commission as a Public Minister of any rank, nor any full power to negotiate as such. Neither the Letter of which he was the bearer, nor he himself, at his first interviews with the Secretary of State, suggested that he was authorized to ask the acknowledgment of his Government as Independent; a circumstance, which derived additional weight from the fact, that his Predecessor, Don Martin Thompson, had been dismissed by the Director Pueyrredon, for having transcended his powers; of which the Letter, brought by Mr. Aguirre, gave notice to the President.

It was some time after the commencement of the Session of Congress, that he made this demand, as will be seen by the dates of his written Communications to the Department. In the Conferences held with him on that subject, among other questions which it naturally suggested, were those of the manner in which the acknowledgment of his Government, should it be deemed advisable, might be made? [1817—18.]

And what were the Territories, which he considered as forming the State or Nation to be recognized? It was observed, that the manner in which The United States had been acknowledged as an Independent Power by France, was by a Treaty concluded with them, as an existing Independent Power; and in which each one of the States, then composing the Union, was distinctly named. That something of the same kind seemed to be necessary in the first acknowledgment of a new Government, that some definite idea might be formed, not of the precise boundaries, but of the general extent of the Country thus recognized. He said the Government, of which he desired the acknowledgment, was ~~of~~ the Country which had, before the Revolution, been the Viceroyalty of La Plata. It was then asked, whether that did not include Montevideo, and the Territory occupied by the Portuguese, the Banda Oriental understood to be under the Government of General Artigas, and several Provinces still in the undisputed possession of the Spanish Government? He said it did; but observed, that Artigas, though in hostility with the Government of Buenos Ayres, supported, however, the cause of Independence against Spain; and that the Portuguese could not ultimately maintain their possession of Montevideo.

It was after this, that Mr. Aguirre wrote the Letter, offering to enter into a Negotiation for concluding a Treaty, though admitting that he had no authority to that effect from his Government. It may be proper to observe, that the mode of recognition by concluding a Treaty, had not been suggested as the only one practicable or usual, but merely as that which had been adopted by France with The United States, and as offering the most convenient means of designating the extent of the Territory, acknowledged as a new Dominion.

The remark to Mr. Aguirre, that if Buenos Ayres should be acknowledged as Independent, others of the contending Provinces would, perhaps, demand the same, had particular reference to the Banda Oriental. The inquiry was, whether General Artigas might not advance a claim of Independence for those Provinces, conflicting with that of Buenos Ayres, for the whole Viceroyalty of La Plata? The Portuguese Possession of Montevideo was noticed in reference to a similar question.

It should be added, that these observations were connected with others, stating the reasons upon which the present acknowledgment of the Government of La Plata, in any mode, was deemed by the President inexpedient, in regard as well to their interests as to those of The United States.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 1.—*Don Gregorio Tagle to the President of The United States.*
(Translation.)

MOST EXCELLENT SIR, *Buenos Ayres, 16th January, 1816.*

THE circumstances are well known, which have heretofore prevented these Provinces from establishing with the United States of America, the relations of amity and strict correspondence, which reciprocal interest, and a common glory ought to have inspired. At length, the obstacles which were opposed to our desire have been overcome, and we have the fortune to be able to send near your Excellency a Deputy, to implore from your Excellency the protection and assistance we require for the defence of a just Cause, and sacred in its principles, and which is moreover ennobled by the heroic examples of The United States, over whom your Excellency has the glory to preside.

A series of extraordinary events and unexpected changes, which have taken place in our ancient Mother Country, have constrained us not to make a formal Declaration of National Independence; nevertheless our conduct and Public Papers have sufficiently expressed our resolution. When this Letter reaches your Excellency, the General Congress of our Representatives will have met; and I can assure you, without fear of being mistaken, that one of its first Acts will be, a solemn Declaration of the Independence of these Provinces of the Spanish Monarchy, and of all other Sovereigns or Powers.

In the mean time, our Deputy, near your Excellency, will not be invested with a Public Character, nor will he be disposed to exceed the object of his Mission, without an understanding with your Excellency and your Ministers. That these views may be exactly fulfilled, I have selected a Gentleman, who, from his personal qualities, will not excite a suspicion that he is sent by the Government, invested with so serious and important a Commission. He is Colonel Martin Thompson, who, independently of this Credential, has the title which we are accustomed to give to our Deputies. I hope that your Excellency will be pleased to give him full credit, and secure for him all the consideration which, in a like case, we would give and secure to the Ministers whom your Excellency may think proper to send to these Provinces.

The said Deputy has it specially in charge, to offer to your Excellency, in my name, and in that of the Provinces under my direction, the profound respect and particular estimation with which we view the very illustrious Chief of so powerful a Republic.

May your Excellency deign to receive these expressions, and to give us an occasion to accredit them.

God preserve your life many years.

IGNACIO ALVAREZ GREGORIO TAGLE.

The Hon. James Madison.

*No. 2.—Declaration of Independence of the Provinces of La Plata.
(Communicated by Mr. Aguirre to the Department of State, 24th December, 1817.) (Translation.) Tucuman, 9th July, 1816.*

WE, the Representatives of the United Provinces of Rio de la Plata, in General Congress assembled, invoking the Supreme Being, who presides over the Universe, and calling on Heaven, Earth, and Mankind to witness the justice of our Cause; in the name and in virtue of the authority of the People whom we represent—

Solemnly declare, that it is the unanimous will of the People of these Provinces to break asunder all the Bonds which unite them with the Kings of Spain; to reinstate themselves in the enjoyment of the rights of which they have been deprived, and to raise themselves to the high rank of a free and independent Nation, capable of giving themselves such a Government as justice and imperious circumstances may require. Authorized by The United Provinces in general, and by each one of them in particular, to declare and lay them under the obligation to support this Independence, we hereby pledge their lives, fortunes, and sacred honour.

Mindful of the respect due to those Nations which take an interest in our fate, and conscious of the necessity of declaring the weighty reasons which have impelled us to this act, we resolve that a Manifesto, setting them forth, be immediately made public.

Given and signed in the Hall of our Sitzings, sealed with the Seal of the Congress, and countersigned by our Secretaries, in the City of Tucuman, this 9th day of July, 1816.

F. N. DE LAPRIDA, *President.*

J. M. SERRANO, *Secretary.*

J. J. PASSO, *Secretary.*

No. 3.—The Supreme Director of Buenos Ayres to the President of The United States.—(Translation.)

MOST EXCELLENT SIR, *Buenos Ayres, 1st January, 1817.*

BEING placed at the Head of these Provinces by the suffrage of the Congress of its Representatives, and having had the honor, on a former occasion, of offering to your Excellency the tribute of my respects, and at the same time of transmitting the Act of the Declaration of our Independence of the ancient Government of the King of Spain and his Successors; I profit of the present occasion to notify your Excellency, that I have ordered Colonel Don Martin Thompson, the Agent of this Government, near the Government of your Excellency, to cease to exercise the functions appertaining to his Character as such. When first sent to The United States, he went in the Character of Agent, and of this your Excellency was apprized by Despatches of the 16th of January of the last year, in which was assigned as the reason for not having appointed to so important a Mission, a

Person of greater consideration and weight, the necessity of obviating all suspicion that might otherwise have arisen concerning its object. It is with much concern that I have learned, by the Communications themselves of our said Agent, that he has arbitrarily departed from the line of the duties marked out for him, and that, without having duly estimated the honor of conferring with you, he has granted Licenses which are in direct contradiction with the said principles. My Predecessor rested all his hopes of a favorable issue to the Commission given to Mr. Thompson, on the generosity and magnanimity of your Excellency; and I, who entertain the same sentiments, venture to hope that, suspending for the present the appointment of an Agent, we shall receive proofs of your friendly disposition towards these People; but if your Excellency should deem it necessary that a formal Agent should be appointed, I shall, upon the first intimation, take a particular pleasure in making choice of a Person who may be worthy of the consideration of the illustrious Chief to whom he will be sent.

I have the honor to avail myself of this occasion to renew to your Excellency the sentiments of respect and high esteem, which it is the boast of the People over whom I preside, to entertain for you, and to offer you the like homage in my own name.

May God preserve you many years.

The Hon. James Madison.

J. MARTIN DE PUEYRREDON.

No. 4.—*The Supreme Director of Buenos Ayres to the President of The United States.*—(Translation.)

MOST EXCELLENT SIR,

Buenos Ayres, 5th March, 1817.

THE liberal and benevolent principles which distinguish your Government, induce me to believe that the recent triumphs of liberty in these United Provinces of South America, will be heard with pleasure by your Excellency and the happy Citizens of your Republic. This confidence, and the conformity of the principles which actuate the Inhabitants of this Hemisphere with those that stimulated the heroic efforts of The United States of the North in the achievement of their Independence, encourage me to make known to your Excellency the restoration of the opulent Kingdom of Chile, by the Patriot Forces of my Government.

The printed Documents which I have the honor to enclose, contain Accounts of the most memorable events of the last Campaign. It was opened by the passage of the formidable mountains of the Andes; and, through the interposition of Providence, our victorious arms have given liberty to a million and a half of the Inhabitants of the New World.

I pray your Excellency to accept the assurance of my respectful consideration, and my desire to strengthen the bonds of union and

mutual interest between the 2 Nations. God preserve you many years!

The Hon. James Monroe.

J. MARTIN DE PUEYRREDON.

No. 5.—Commission of Don Manuel de Aguirre, from the Government of Chile.

(Translation.)

Santiago de Chile, 8th March, 1817.

THE Supreme Director of the State of Chile, &c. &c. &c.

It being important to the maintenance and advancement of the Provinces under my command, to have therein all those resources of armament, which, being useful to the Army as well as to the Navy, may protect them from invasion, and wrest them from the hands of the Enemies of our liberty; I have, therefore, with a view to accomplish the said object, given and granted full power and authority to Don Manuel de Aguirre, to enter into and set on foot all such Negotiations as may be relative to the purchase of Vessels of War, including a Frigate, completely armed and equipped; also, for the purchase of all descriptions of arms, warlike stores and supplies useful to the Army; it being understood, that the value of the different kinds which he is commissioned to purchase or stipulate for, and the transport thereof to Chile, are to be fully paid for, upon due verification of the same, and that, for the fulfilment of this promise, all the interests of the Public Revenue, and of the State of Chile in general, are made responsible.

In testimony whereof, I have ordered the present to be executed. Signed by me, sealed with the Arms of this Government, and countersigned by my Minister of State, in the City of Santiago de Chile, this 8th day of March, 1817.

(L. S.)

BERNARDO O'HIGGINS.

Countersigned,

MIGUEL ZANARTU, *Minister of State.*

No. 6.—Commission of Don Manuel de Aguirre, from the Government of Buenos Ayres,

(Translation.)

Buenos Ayres, 28th March, 1817.

THE Supreme Director of the United Provinces of South America.

Inasmuch as it is necessary to appoint a Person who, in the character of Agent of this Government near that of the United States of North America, may promote whatever conduces to the progress of the Cause in which these Provinces are engaged, to their honor, and the consolidation of the great work of our liberty. Therefore, the necessary qualities of probity, capacity, and patriotism, uniting in the Commissary General of War, Citizen Don Manuel Hermenegildo de Aguirre, I have appointed him Agent of this Government near that of The United States of North America, granting to him the privileges, pre-eminences, and prerogatives which belong to the said Title.

In pursuance whereof, I have given the present, signed by me, countersigned by my Secretary of State for the Department of the Government and Foreign Affairs, and sealed with the Seal of the National Arms.

Given at Buenos Ayres, the 28th day of March, 1817.

(L. S.) JUAN MARTIN DE PUEYRREDON.

Countersigned, GREGORIO TAGLE, *Minister of State.*

No. 7.—The Supreme Director of Chile to the President of The United States.—(Translation.)

MOST EXCELLENT SIR, *Santiago de Chile, 1st April, 1817.*

THE beautiful Kingdom of Chile having been re-established on the 12th of February last, by the Army of the United Provinces of Rio de la Plata, under the command of the brave General, Don José de San Martín, and the supreme direction of the State being conferred on me, by the choice of the People, it becomes my duty to announce to the World the new asylum which these Countries offer to the industry and friendship of the Citizens of all Nations of the Globe.

The Inhabitants of Chile, having thus reassumed their natural rights, will not hereafter submit to be despoiled of their just prerogatives, nor tolerate the sordid and pernicious policy of the Spanish Cabinet. In its numerous Population, and the riches of its soil, Chile presents the basis of a solid and durable Power, to which the Independence of this precious portion of the New World will give the fullest security. The knowledge and resources of the neighboring Nation of Peru, which has resolved to support our emancipation, encourage the hope of the future prosperity of these Regions, and of the establishment, on liberal grounds, of a commercial and political intercourse with all Nations. If the cause of humanity interests the feelings of your Excellency, and the identity of the principles of our present contest with those which formerly prompted The United States to assert their Independence, disposes your Government and People favorably towards our Cause, your Excellency will always find me most earnestly desirous of promoting the commercial and friendly relations of the 2 Countries, and of removing every obstacle to the establishment of the most perfect harmony and good understanding.

God preserve you many years.

The Hon. James Monroe.

BERNARDO O'HIGGINS.

No. 8.—The Supreme Director of Buenos Ayres to the President of The United States.—(Translation.)

MOST EXCELLENT SIR, *Buenos Ayres, 28th April, 1817.*

WHEN the interests of sound policy are in accord with the principles of justice, nothing is more easy or more pleasing, than the maintenance of harmony and good understanding between Powers which

are connected by close relations. This seems to be exactly the case in which The United States and these Provinces stand, with respect to each other; a flattering situation, which gives the signal of our success, and forms our best apology.

It is on this occasion that Citizen Don Manuel Hermenegildo de Aguirre, Commissary General of War, is deputed towards you in the character of the Agent of this Government. If his recommendable qualities are the best pledge of the faithful discharge of his Commission and of its favorable issue, the upright and generous sentiments of your Excellency are not less auspicious to it. The concurrence of these circumstances induces me to hope the most favorable results.

I trust, therefore, that your Excellency will be pleased to grant to the said Citizen Aguirre, all the protection and consideration required by his diplomatic rank and the actual state of our relations. This will be a new tie by which The United States of the North will more effectually secure the gratitude and affection of the Free Provinces of the South.

God preserve you many years.

The Hon. James Monroe.

J. MARTIN DE PUEYRREDON.

No. 9.—General San Martin to the President of The United States.

(Translation.)

MOST EXCELLENT SIR,

[No Date.]

CHARGED by the Supreme Director of the Provinces of South America, with the command of the Army of the Andes, Heaven crowned my Forces with a victory on the 12th of February, over the Oppressors of the beautiful Kingdom of Chile. The sacred rights of nature being restored to the Inhabitants of this Country, by the influence of the National Arms, and the efficacious impulse of my Government, fortune has opened a favorable field to new enterprizes, which secure the power of liberty and the ruin of the Enemies of America. Towards securing and consolidating this object, the Supreme Director of the Government of Chile has considered as a principal instrument, the Armament in these States, of a Squadron destined to the Pacific Ocean, which, united to the Forces that are preparing in the River La Plata, may co-operate in sustaining the ulterior Military Operations of the Army under my command in South America; and, convinced of the advantages which our actual political situation promises, I have crossed the Andes, in order to concert in the Capital, among other things, the guarantee of my Government, and in compliance with the Stipulations, between the Supreme Director of Chile and its intimate Ally, to carry into effect the plan which has been confided to Don Manuel Aguirre. Your Excellency, who enjoys the honor of presiding over a free People, who contended, and shed their blood in a similar Cause to that in which the Inhabitants of South America are now engaged, will, I hope, deign to extend to the above-named Person such protection as is compatible with the actual relations

of your Government; and I have the high satisfaction of assuring your Excellency, that the arms of the Country under my orders, will not fail to give consistency and respect to the promises of both Governments.

I am happy in having this agreeable occasion to pay a tribute to your Excellency, of the homage and profound respect with which I have the honor to be, &c.

The Hon. James Monroe.

JOSE DE SAN MARTIN.

No. 10.—The Secretary of State of Venezuela to the Secretary of State of The United States.—(Translation.)

Palace of the Government,

MOST EXCELLENT SIR, *Pampatar, 22nd May, 1817—7th.*

THE Executive Department of the Confederated States of Venezuela has charged me to transmit to His Excellency the President of The United States, through your hands, the annexed Copies of the Act of the happy re-establishment of the Congress of Venezuela, the exercise of its powers, and other particulars therein contained.

Be pleased, Sir, to lay the whole before His Excellency, and assure him that this Government will have the highest satisfaction in communicating to him whatever may occur hereafter.

May heaven preserve your life, for the general good of Mankind, and the prosperity of your Republic.

CAETANO BEZARES.

The Hon. J. Q. Adams.

Secretary of State, ad interim.

(Enclosure.)—The President of Venezuela to the President of The United States, communicating the re-establishment of the Federative Government of the Provinces of Costa-Firme,—the Main.

(Translation.)

Pampatar, (Port of New Sparta,)

MOST EXCELLENT SIR, *21st May, 1817.—7th.*

THE fortune of arms, which decides the fate of Empires, and a disastrous combination of circumstances, well known to your Government, have interrupted the progress of this Republic, established by a Proclamation of the 5th June, 1811, and occasioned the Capitulation of the 26th July, 1812, entered into between the Commander-in-Chief of the Patriot Army, Francisco Miranda, and Don Domingo Monteverde, Commander of the Spanish Forces, which Compact, shamefully violated in the end, has drawn on Venezuela the signal disasters which this Country has yet to deplore, and of which you have received information through Citizens Scott and Lowry, who were eye-witnesses of those events. This has been followed alternately by prosperous and adverse fortune, which this Continent has experienced since the year 1812. To this date nothing more propitious has presented itself, than the reinstatement of the Federative Government, which was

brought about on the 8th of the present month, in the City of San Felipe de Cariaco, within the jurisdiction of the State of Cumana, by the legal proceedings, which your Excellency may perceive by reference to the Official Documents which, in the name of the Executive Department, I have the honor of forwarding to you. And I have to assure your Excellency that, having wrested Venezuela from the hands of the Enemies of her liberty and independence in almost every part of the 7 Provinces of the Confederation, she desires nothing more earnestly than to extend her relations with her Brethren of North America, identified as they are by nature, and by political and Republican principles, with the great Family of the South.

Venezuela, at the first period of its emancipation, deputed to your Republic 2 of its Citizens, John Vincente Bolivar, and Talisfero Orea, both furnished with Credentials and competent Powers to transact all business, and who had it specially in charge to assure your Excellency of the ardent wishes of the People of Venezuela to make such arrangements as would conduce to the happiness of both Nations. The state of affairs in Europe at that period, retarded the success which Caraccas promised herself by the acknowledgment of her Independence by the Republic of the North; but a change having taken place, and a sentiment favorable to our Cause extended throughout the Continent of Colombia, the Government of this People, whom I represent, does not doubt that your Excellency, taking into consideration the mutual interests which we propose, will give your concurrence, in as far as depends on yourself, towards the establishment of diplomatic arrangements and stipulations, which Citizen Joseph Cortes Madariaga has it in charge to open; and being assured of the noble qualities attached to your Excellency, I flatter myself that our Negotiations will be speedily concluded.

The Executive Department has the honor to tender to your Excellency the homage of this Republic, and the high consideration and respect with which, in its name, I remain, &c.

FRSCO. ZAVIER DE MAYS.

The Hon. James Monroe.

President, pro tempore.

*(Sub-Enclosure.)—Proceedings upon the occasion of the Installation of the Supreme Congress of Venezuela. (Translation.)
City of San Felipe de Cariaco, 8th May, 1817.*

His Excellency General Santiago Marino, Second in Command of the Republic, having by Note called upon the following Persons, to assemble in a meeting, namely, His Excellency Admiral Luis Brion, Commander of the Naval Forces, the Intendant General Antonio Zea, Joseph Cortes Madariaga, Canon of the Holy Church of Caraccas, Jacobo Xavier Mays, who acted as President of the Executive Department at the time of the recess of the Congress of Venezuela, Francisco Xavier de Alcala, Diego Valenilla, Diego Antonio Alcala, Manuel

Ysaba, Francisco de Paula Naval, Diego Bautista Urbanesa, and Manuel Maneyro, he thus addressed them :

“ CITIZENS,

Never have I experienced greater satisfaction than on the present occasion, in seeing you truly reunited to deliberate on the most proper measures to be adopted for the safety of our Country, under such extraordinary political events which have induced our illustrious Compatriot, Jose Cortes Madariaga, to attend as Supreme Chief, in whose name, and at whose request, I have the honor of addressing you, as Second in Command.

The above honorable Citizen, Jose Cortes Madariaga, here present, will explain to you his sentiments and reasons ; and you will be able to judge for yourselves, whether they be not of such weight as to induce you to institute immediately a Provisional Government, without calling together Deputies, whose election cannot be effected soon enough, in consequence of the state of commotion and War in which our Country is placed.

No one can be ignorant, that, in all its reverses, our Republic has not had a firmer Supporter or a warmer Friend than our incomparable Patriot and Citizen, G. Simon Bolivar, all whose designs have been directed to the re-establishment of the representative Government, which the People had fixed upon as their Fundamental Constitution, but vested with more energy, force and unity. This has been the most ardent desire, and the object for which he has twice convoked the Congress ; the assembling of which, as I have before observed, has been retarded by political machinations and military commotions. But, in consequence of the extraordinary circumstance above alluded to, I have thought proper to do, in the name, and at the instance of the Supreme Chief, what would be done by him if present ; and that is, to propose a Provisional Government, conformable to the Constitution decreed by the Congress of Venezuela. Whilst the Deputies to the New Congress are reassembling, he will proceed to make such reforms and modifications as may be deemed necessary in our Political Institutions. It is on this subject that I wish to obtain your sentiments and advice, after hearing Citizen Cortes.”

Citizen Cortes followed, and observed,

That, animated by sentiments of friendship and attachment towards the South Venezuelans, and their noble Compatriots, particularly since the year 1812, he should pass over the series of reverses, in the course of which a multitude of Persons, of all ages, sexes, and professions, who, by their numbers, virtues, valor, and wisdom, aggrandized the States of the Confederacy, had been swept away by the calamities of an exterminating warfare, declared and carried on against us by our Enemies ; and having heard, through the most respectable channel of the public expression, that the time had arrived

when South America should rise, in all its dignity, and declare itself in the face of the World, he had taken a considerable Journey, and repaired to this Continent from the Windward Islands, for the express purpose of imparting to his Fellow-Citizens the favorable tidings which led him to hope, that Venezuela will be included in the common prosperity of South America within the present year; and by means of its exterior relations, contribute to the inspiring of confidence, and establishing its emancipation on a solid and permanent basis, worthy of this precious portion of the Globe. He declared, moreover, that he abstained, through delicacy, from making, on this occasion, certain other reflections, of great importance, which he had communicated in his Official Correspondence with the Supreme Chief of the Republic, to General Marino, Second in Command, and to the Admiral of the Squadron; and, being convinced of their weight and importance, the 2 latter Gentlemen had given proofs of the respect with which they had received his Communications. Referring himself to the President as to their contents, he concluded by recommending anew the imperious necessity of the measure, and called for the prompt establishment of the Government.

The Admiral next addressed the Assembly in the following manner:

“Fellow-Citizens and Brothers,

Nothing has filled with greater pleasure an adopted Son of Venezuela, than the presence of this respectable Assembly, called together by the Second in Command, who is vested with the powers of the First, on a subject so important to the salvation of our Country; his name from this day will be immortalized, having complied with the wishes of the Sovereign People of Venezuela, and fulfilled those of our Sovereign Chief. I felicitate you, Brothers, on so wise a step, and I have the satisfaction of announcing to you, for your own, that the sacrifices which I have made to this day in the service of my Country, are nothing in comparison to what I pledge myself to consecrate to it henceforward; convinced as I am, that a Government, stable and energetic, by supporting our own force, will likewise induce our foreign Friends to extend to us the hand of friendship, and contribute to the maintenance of our liberty and independence. They are already well disposed; they are acquainted with the integrity of my principles; they know that I have not shrunk from any fatigues or exertions in the Cause of Venezuela; and, with the aid of the Squadron under my command, they only wait to co-operate with your virtue, union, and wisdom, in consolidating the Republic and increasing its respectability.”

All the Speakers were of an unanimous opinion on the subject proposed, and demonstrated with great energy, the necessity of immediately establishing the Provisional Government proposed by his Excel-

lency; applauding at the same time, his patriotic determination, and adding, that he would do immortal honor to the Republic, if he would immediately consent to be installed, and that they should re-establish, as well as circumstances would admit of, the Government of the Constitution. They urged, by many important arguments, the political considerations which had rendered this measure indispensable and urgent, and showed by the most solid reasoning and conclusive references, that the measure was conformable to the unanimous voice of the People, to the upright and well known wishes of the Supreme Chief, and to the interest of mankind.

The President then rose and observed:

“ Approving as I do of your resolution, and believing it to be conformable to the patriotic views of the Supreme Chief, and to the sentiments which he has so often expressed in all his Proclamations, I declare in the presence of the Supreme Being and of the People of Venezuela, whom you represent, that the Supreme Congress of the Republic is, from this moment, installed; and I resign into your hands the Supreme Authority, which, by the Act passed at Margarita, was conferred, in the first instance, on General Simon Bolivar, and by him on me; acting in his and my own name, in virtue of the Republican principles which we both profess, and which equally animate all our Friends and Companions in arms, who have with so much valor and glory, defended the holy cause of Liberty and Independence. I retire, that you may freely deliberate on what may be most conducive to the safety of the State; requesting you only to hold in mind, that my highest ambition is to shed my blood in combating for the Independence of my Country, and that I do not aspire to, or desire any higher honor from the Republic, than to contribute, in favor of my Friends and Fellow-Citizens, to the establishment of the blessings of Liberty.”

His Excellency being in the act of withdrawing from the Assembly, accompanied by the Admiral, Intendant, and the Canon Cortes, called upon the Officer of the Guard and ordered him to place himself at the disposal of the Congress, the Senior Member of which proceeded to occupy the Seat of the President; and all the Members standing, the Oath prescribed by the Federal Constitution, according to the form therein laid down, was administered to them by the Citizen and Secretary, Diego Bautista Urbanesa, qualified for that purpose. They then entered into a discussion on the various points relating to the object for which the Assembly was called, and, after deliberating and agreeing unanimously on all of them,

The Citizen President read the following Act:

ACT OF INSTALLATION.

City of San Felipe de Cariaco, 8th May, 1817.

WE, the Representatives of The United States of Venezuela, Francisco Xavier Mays, Deputy to the Federal Congress for the State of Cumana, a Member of the Executive Department, and President

of the same (in rotation) at the time of its recess at Valencia, on the 9th of May, 1812,—FRANCISCO XAVIER DE ALCALA. MANUEL YSABA. DIEGO VALENILLA. FRANCISCO DE PAULA NAVAL. DIEGO ANTONIO ALCALA. DIEGO BAUTISTA URBANESA. MANUEL MANEYRO.—

On mature deliberation, and with a free will, formally decree, that from this time, We resume the Constitutional Character and Representation, in the full and absolute possession of which We have been reinstated by the distinguished General, Santiago Marino, in the name of the Supreme Chief of the Republic, the meritorious Citizen Simon Bolivar, and in his own person, as Second Chief of the State, and consequently at this moment holding in his hands the reins of Government; and We make known to all the People of the Confederacy, and call upon the Supreme Being to witness the purity of our intentions, that, from this date, the Federal Government of the Republic is reinstated in its 3 Departments, Legislative, Executive, and Judicial, for the requisite despatch of all business to them respectively appertaining; and We therefore appoint for the administration of the Executive Government, Citizen General Ferdinando del Toro, Citizen Francisco Xavier Mays, who were heretofore Members of the said Department; also Citizens General Simon Bolivar, Francisco Zea, Jose Cortes Madariaga, and Diego Valenilla; it being understood that the 3 latter shall exercise the power only, ad interim, until the honorable Citizens, Toro and Bolivar, now absent, shall repair to such City as may be designated for the residence of the Government. To the Judicial Department, We appoint Citizens Juan Martinez, Jose Espana, Gaspar Marcano, and Ramon Cadiz, the latter for the Judicial Administration. And as, in consequence of the weighty and momentous considerations which have determined our most excellent Fellow-Citizens, now acting as Chiefs, ad interim, of the Republic, to divest themselves of the attributes of Administration, and restore them, through the medium of the Government, reinstated by the indefatigable zeal of both, for the salvation of the Country, which has thus recovered its political rank, it is necessary that a new Oath should be administered, to the Functionaries and Authorities, both Civil and Military, of the Departments that have regained their liberty, and successively of those which shall regain it;—and to begin forthwith with those of this City,—We name and appoint To-morrow morning, at 9 o'clock, for them to take the said Oath before us, and that proper Orders to all Public Functionaries, absent in Foreign Countries, be given, to present themselves, within the space of 30 days, in the City of "Annunciation," the Capital of the State of Margarita, which, under existing circumstances being most conveniently situated, and of the most easy and free access, We name, for the present, the Residence of the Federal Government, with the faculty of removing the same to any other Capital on the Continent which may appear most convenient: and if it shall be made to appear, that the said Public Functionaries shall, without just and

lawful motives, fail to comply with this Summons, they shall, by that act itself, be understood as having forfeited their rights of Citizenship, and, consequently, every civil and military right in the Republic.

We finally implore the mercy of the Most High, in the humble hope that He will vouchsafe to protect us, and we solemnly declare, in His presence, and that of all the People of the Earth, that the sole object of our unremitted endeavors is to preserve, in the enjoyment of peace and liberty, the virtuous remains of the great Venezuelan Family, saved by the special interposition of His adorable goodness, from the savage fury and destruction of Despotism: protesting before Him, that our determination is, sooner to bury ourselves under the ruins of the Republic, than to return to the slavery and chains we have endured for 3 Centuries, which, after the bright example of our Brethren of Colombia, we have broken for ever. And be it known to all, that We, the Representatives, who have hereunto subscribed, are firmly resolved, and do solemnly promise and engage, by all the most sacred obligations which bind us in one, both politically and morally, to seal with our blood this our patriotic resolution.

That this Act, together with the requisite exposition of the motives which have produced it, be communicated to General Simon Bolivar, and that he be invited, so soon as his military duties will permit, to come and take possession of a Station, in which he will not fail to render the Republic immortal services, and worthy of his name. That certified Copies of this Act be transmitted to all the Chief Officers of the Departments, both Civil and Military, and that the Commander-in-Chief of the Army, and the Admiral of the Squadron, be notified of the result of the proceedings of the Federal Assembly, that they may concur with the Executive Power, in taking the Oath, and communicating its Orders, to the end that the said Oath be taken, both by the Army and Navy. That it be publicly proclaimed in this City, and all the Towns of the Federation, and that, by Public Festivals and rejoicings, the general joy be manifested, on the restoration of the National Sovereignty, under a formal Constitution, which, being tempered and modified, agreeably to the lights of the age, and the lessons of experience, will be the safeguard of our independence and liberty.

Whereupon the Sitting was closed, and they signed, namely:

FRANCISCO XAVIER DE MAYS, *President.*

MANUEL YSABA. DIEGO DE VALENILLA.

FRANCISCO XAVIER ALCALA. DIEGO ANTONIO ALCALA.

FRANCISCO DE PAULA NAVAL. MANUEL MANEYRO.

DIEGO BAUTISTA URBANESA, *Secretary.*

In the City of San Felipe de Cariaco, this 9th day of May, 1817; the Federal Congress having re-assembled, there appeared before it the Citizens, the Commander-in-Chief of the Armies of the Republic, and Commander of the Armed Force, Santiago Marino, and Admiral Luis Brion, who, having taken the Oath before

the President and me, the aforesaid Secretary, agreeably to the form prescribed by the Federal Constitution of Venezuela, they recognized and acknowledged the Sovereign Authority vested in this Body, and the other Authorities derived from it, promising and engaging to obey and support the Federative Compact, expressed and set forth in the said Code. In like manner, the Citizen Francisco Xavier Mays, withdrawing from the Presidential Chair, and the Citizen, Francisco Xavier Alcala, occupying it in his place, the Oath was taken in the same form by the 3 Members who are to enter into the discharge of the Executive Power, namely, Citizen Francisco Xavier Mays, Francisco Antonio Zea, and José Cortes Madariaga, who were thereupon invested with the functions attached to their High Office, the 2 latter in the quality of Provisional Members, until the appearance of the Generals Bolivar and Toro. And the Assembly having verified this Act, and taken into consideration the existing circumstances, declared itself in a state of adjournment, to which the following Members subscribed their signatures:

FRANCISCO XAVIER DE MAYS. FRANCISCO ANT. ZEA.

JOSE CORTES MADARIAGA. SANTIAGO MARINO.

LUIS BRION. F. XAVIER ALCALA. DIEGO VALENILLA.

MANUEL YSABA. DIEGO ANTONIO ALCALA.

FRANCISCO DE PAULA NAVAL. MANUEL MANEYRO.

DIEGO BAUTISTA URBANESA, *Secretary.*

No. 11.—General Artigas to the President of The United States.

(Translation.)

Head Quarters at Purification,

MOST EXCELLENT SIR,

1st September, 1817.

I HAD the honor to communicate, in the first instance, with Mr. Thomas Lloyd Halsey, Consul of The United States in these Provinces, and I have to congratulate myself on so fortunate an incident. I have tendered to him my respects and all my services; and I will avail myself of this favorable occasion, of presenting to your Excellency my most cordial respect.

The various events of the Revolution, have hitherto deprived me of the opportunity of combining this duty with my wishes, I pray your Excellency to be pleased to accept them, now that I have the honor to offer them to you with the same sincerity that I strive to promote the public weal, and the glory of the Republic. To their support are all my efforts directed, as well as those of thousands of my Fellow-Citizens. Heaven grant our wishes!

In that event, I shall renew to your Excellency, still more warmly the assurance, &c.

The Hon. James Monroe.

JOSE ARTIGAS.

(12.)—*Don Manuel de Aguirre to the President of The United States.*
(Translation.)

MOST EXCELLENT SIR, *Washington, 29th October, 1817.*

THREE Centuries of Colonial oppression by a corrupt, superstitious, and ignorant Nation, whose obstinate and iniquitous policy, ever has been to vilify the Inhabitants of South America, *as being destined to vegetate in obscurity and debasement*; (such are the expressions of the Viceroy Albancos;) the violent system of keeping them in ignorance of all information incompatible with its principles of Colonial dependence; the perverse policy of denying to the Children of the Mother Country, and their lawful Descendants on the American Continent, the rights of Citizens in the exercise of a practical equality; the exclusive monopoly of Commerce, despotically exercised, regulated by the Laws solely in favor of the Mother Country, and maintained by force, at the price of the blood of innocent victims, Natives of the Country; the black ingratitude with which it has conducted itself towards the Capital of Buenos Ayres, after it had so gallantly and energetically defended the Spanish Dominion against the English Army under General Beresford in 1806, and the Army of 12,000 men of the same Nation, commanded by General Whitelocke in 1807; finally, the infamous engagement to force them against their consent, to submit to the yoke, which the Emperor Napoleon, (an instrument, as it were, of Divine Justice for the chastisement of Thrones, to avenge the bloody usurpations of the Empires of Mexico and Peru,) imposed upon Spain;—prepared these People, on the 25th of May, 1810, for their separation from the Spanish Nation, already conquered by the French, not to mention the additional circumstance, that the Inhabitants of these Provinces preserved them for the captive King, Don Ferdinand the VIIth, and his lawful Successors.

On the restoration of the King of Spain to his Throne, a sufficient time was afforded to give him the opportunity of correcting his Counsels, stating the grievances and injuries we complained of, and finally of proposing an honorable termination of our differences. Although the Deputy had not yet arrived at the Court of Madrid, the King had already despatched his inexorable and bloody Decrees, and the Expedition under General Morillo crossed the Seas, to wage a War of devastation on these Countries. The natural right of self-defence imposed the necessity of taking measures to repel force by force. Hostile Armies were the worst means which could be employed to bring about an accommodation.

When the Deputy of the Court of Madrid informed this Government, that the King of Spain insisted on leaving no other alternative than the most abject submission, and that he claimed these Provinces as the property of his Crown, (doubtless to make them victims to Spanish vengeance,) then it was, that the Sovereign Congress of these [1817—18.]

Provinces, having assembled, did, in imitation of the example of their Brethren and natural Friends of North America, unanimously proclaim, in the City of Tucuman, on the 9th day of July, 1816, the solemn Act of their civil independence of the Spanish Nation, of the King of Spain, his Heirs and Successors, and did swear, together with the People represented by them, to support their political emancipation, at the risk of their lives, fortunes, and honor.

God preserve your Excellency many years.

The Hon. James Monroe.

MANUEL H. DE AGUIRRE.

(13.)—*Don Manuel de Aguirre to the Secretary of State of The United States.* (Translation.)

MOST EXCELLENT SIR, *Washington, 16th December, 1817.*

HAVING had the honor to inform you, in October last, that the United Provinces in South America, had declared themselves free and independent States, and to lay before you the reasons which supported that Declaration, together with the object and Credentials of my Mission to the Government of The United States; the respect I owe to the Instructions of my Constituents, and the due discharge of the trust with which they have honored me, now induce me to demand of this Government, the acknowledgment of those Provinces, as such free and independent States.

By my previous Communications, you will have perceived, that this Declaration was not premature, and that the Provinces of Rio de la Plata abstained from making it, whilst it could have been attributed to the effect of the difficulties of the Mother Country. They held so lofty a conception to be among the obligations which they were about to contract, on placing themselves in the rank of Nations; and before they cut short the interminable catalogue of vexations and patient sufferings, of which Spanish America offers so striking an example, they preferred exhausting all the means of conciliation which prudence could suggest, and proving whether their own conviction of their rights, and of the injuries they had suffered, would rise superior to their ancient habit of submission and obedience, and whether they were able to surmount the obstacles and embarrassments inseparable from their new situation. It was after repeated proofs of this kind, and after uniform results, that the Congress of those Provinces declared them to be Sovereign States, on the 9th of July, 1816.

Notwithstanding all these proofs and precautions, the respect due to Foreign Nations made my Government anxious farther to assume an attitude which might inspire greater confidence, before it asked of them to acknowledge the Nation as worthy of the high rank to which she had raised herself. During the space of 6 years previous to their Declaration of Independence, the Forces of these Provinces had obtained signal successes on the Eastern Border; having captured the whole of the Royal

Squadron, which attacked them, and reduced one of the strongest Places in our Hemisphere, after a memorable siege, and made Prisoners of War of the strong garrison which defended it; and if, in Peru, victory was not always the inseparable companion of our arms, it was often so, and enabled us to drive back the satellites of tyranny, to a greater distance from our Territories.

Almost 18 months have passed, since this Declaration;—18 months, during which the King's Forces have had no other object in view, than to rivet anew the chains which Spanish America had burst asunder, and shaken off. If such an undertaking had been within the power of Spain, she never could have had a more favorable opportunity, when she has had at her disposal, disengaged from any other calls of service, an Army numerous and warlike, and the aid of all who interest themselves in perpetuating the monopoly and subjection of our Country. It is true, that Spain proceeded to fit out an Expedition, the most brilliant that was ever employed in the subjugation of our Continent; but this Expedition, although repeatedly reinforced, has scarcely been able to maintain its ground with honor, in a single Province, consumed as it has been, by the dreadful devastations of nature, and above all, by a 6 years War, of the most sanguinary and exasperated character; while the Provinces of Rio de la Plata, have not only been able, during all that time, to preserve the precious treasure of their liberty, but to bestow it, without Foreign aid, on their brethren of Chile, and to force the King's Troops to retire towards Peru, which, having been reinforced by fresh detachments, had ventured to show themselves on our Territory. It is under such circumstances, it is after having exhibited and proved the grounds and motives of its Declaration, and the means it possesses to support it, that my Government has thought it conformable to the respect due to Nations, to make it known to them, and to solicit their acknowledgment of its Sovereignty.

My Government, considering that of The United States as one of the first of whom it ought to solicit this acknowledgment, believed that the identity of political principles, the consideration of their inhabiting the same Hemisphere, and the sympathy so natural to those who have experienced similar evils, would be so many additional reasons in support of its anxiety. There still exist, there still preside over the Councils of this Nation, many of those who supported and sealed here with their blood, the rights of man; their wounds, permit me to say so, are so many powerfully advocates, here, for the Spanish Americans. The recollection that it was these States who first pointed out to us the path of glory, and the evidence that they are enjoying, most fully, the blessed effects of liberty, inspire us with the conviction, that it is for them to show also, that they know how to appreciate our efforts, and thereby to animate the other Provinces.

which, less fortunate, have not yet been able to put an end to the sanguinary struggle.

I cannot close this Communication, without requesting you to make known to the President, the wishes of the United Provinces of South America, and, also, to represent to him their earnest desire to see firmly established, between those Provinces and these States, relations mutually beneficial, suited to Governments and People, whose Institutions are so analogous, and all of whose interests invite them to promote and maintain a close and permanent friendship.

God preserve you many years.

The Hon. J. Q. Adams.

MANUEL H. DE AGUIRRE.

(14.)—*Don Manuel de Aguirre to the Secretary of State of The United States.* (Translation.)

SIR,

Washington, 26th December, 1817.

I HAD the honor to inform you, on the 16th of this month, that the United Provinces of South America, having declared themselves free and independent, had made a request to be considered as such by these United States; and as you expressed a desire, in the Conference with which you honored me the day before yesterday, to be more fully informed of the grounds upon which those Provinces formed their request, I now comply with your desire.

In my said Note, I particularly stated the circumspection with which my Government had proceeded, and the precautions it had taken, from a sense of its own honor, and the respect due to other Nations, before it required to be considered by them as a Sovereign Power. You were pleased to remark on the uncertainty of establishing a new Government, and the hesitation naturally produced by such a request; and you preferred that it should be delayed, or not made, until all doubt was removed of the real existence and duration of their Sovereignty, and they had given a pledge to Foreign Nations that there existed no intention to commit them by making this request.

For more than 7 years have those Provinces carried on, alone, an active and successful War. The evidence of their successes has been witnessed in the capture of the Royal Squadron, the occupation of Montevideo, the numerous victims of War who fertilize our fields, the chastisement of the King's Forces in Peru, and the recovery of the Provinces of Chile. Meanwhile, our interior organization has been progressively improving. Our People have made an essay in the science of Government, and have appointed a Congress of Representatives, which is engaged in promoting the general weal. A plan of military defence has been formed, in which we were before deficient, and a system of Revenue organized that has hitherto been competent to provide for our numerous wants; finally, public opinion is

daily gaining ground, unsupported by which, the Government would have been unable to undertake the enterprises which have distinguished it.

The strength of our Oppressors, diminishing with the increase of our means of defence; their hopes declining of longer tyrannizing over us; our regular system of Government; the firmness of our Citizens; a competent Revenue; an organized Force, sufficiently strong for the defence of the Country; a Squadron afloat; a disposable Army in Chile, and a second operating in Peru; all this must surely deceive our Enemies, even if the habit of authority should still flatter them with hopes.

Notwithstanding the professions of Neutrality on the part of The United States towards the Contending Parties in Spanish America; notwithstanding the indifference, if I may say so, with which The United States have looked on a Country deluged with blood by its Tyrants; I would not offend you, Sir, by the idea that you consider it necessary that we should offer proofs of the justice of our Cause. The few of our sufferings that have come to the knowledge of Foreign Nations have filled them with horror and indignation; never was the human race so debased elsewhere, as we have been: never did men draw their swords in a more sacred Cause. But the Provinces of the Rio de la Plata mean not to excite the sensibility of The United States. They only call upon their justice. The Contest in South America can be viewed in no other light than as a Civil War, and I have proved to you, Sir, the prosperous and respectable attitude of those Provinces. Are they then to be thought worthy of being ranked among Nations? Does their full enjoyment of all the rights of Sovereignty for more than 7 years, their successes and present position, give them a right to become a Nation?

The apprehension that this acknowledgment might involve The United States in a War with the Chief of the adverse Party, could not be justly considered by my Government as a sufficient motive to prevent their soliciting it; since, however little of justice or prudence may be found in the Councils of the King of Spain, even that would suffice to prove that other Nations have distinct and fixed rules, whereby to estimate political successes; that, practically, they acknowledge no other Sovereign Power than that which is so, *de facto*; that they can inquire no further without interfering with the internal concerns of other Nations; and that when a Nation is divided into 2 parties, or the bonds of the political compact between the Monarch and the People, happen to be otherwise broken, they both have equal rights, and owe the same obligations to Neutral Nations. It follows, therefore, that the Contending Parties in Spanish America are not subjected to different rules.

If these rules may sometimes be varied, or admit of any alteration; the exception should always be in favor of the oppressed against the Oppressor. It is, therefore, strongly contended by many of the most celebrated Civilians, "that in all Revolutions produced by the tyranny of the Prince, Foreign Nations have a right to assist an oppressed People;" a right dictated by justice and generosity. Now, it cannot be supposed that the observance of justice ever gave a pretext for War, to the Party or Nation most interested in a different conduct. Since, therefore, my Government has limited its pretensions to the acknowledgment of its real and effective Sovereignty, which even our Adversary himself would not call in question, it considers itself authorized to take this step, by the practice of Nations, by public opinion, and the sanction of eternal justice.

In our late Conference, you appeared to find an objection in the occupation of Montevideo, by the Portuguese Troops. But, if credit is to be given to the Correspondence between my Government and that of Brazil, the principal motive for this War is the ancient pretension of the King of Brazil to more extensive limits. It will probably be impossible for him to obtain them, as one of our most distinguished Commanders, supported by the most ample resources, is now engaged in repelling those Troops; and, notwithstanding the double family ties which now connect that Sovereign with the King of Spain, our National existence, so far from being seriously threatened by the War in that quarter, (the Banda Oriental) is strengthened by it. You also remarked, that similar pretensions may be formed by other Provinces of Spanish America, now contending for their liberties. Would to Heaven that they all could now offer to this Government the same proofs of their effective Sovereignty, and equal pledges of their respective preponderating power! Humanity would then have much fewer evils to deplore, and all America would exhibit a United People, only rivalling with each other in the art of improving their Civil Institutions, and extending the blessings and enjoyments of social order.

When I contemplate the distinguished part The United States may take in realizing this grand enterprize, and consider how much it is in their power to hasten this happy period, only by giving an example of National justice, in acknowledging the Independence of those Governments, who so gloriously, and by so many sacrifices, have known how to obtain it, my reason persuades me that the wishes of the United Provinces cannot fail to be speedily accomplished.

I have the honor to renew to you, &c.

The Hon. J. Q. Adams.

MANUEL H. DE AGUIRRE.

(15.)—*Don Manuel de Aguirre to the Secretary of State of The United States.*

SIR,

Washington, 29th December, 1817.

It is painful to me to trespass on your attention with complaints: but I should be wanting both to the trust committed to me by my Government, and my duty to my Country, if, after being informed of the purport and effect of the Law passed on the 3d of March last, for the more effectual preservation of the neutral relations of The United States, I did not represent to you, that its effects bear hard only on those who are struggling for the Independence of Spanish America.

By the Law and usages of Nations, Neutrals are forbidden, if I am not mistaken, to afford any active aid to any of the Contending Parties,—to sanction any Law granting or refusing privileges to one, which are not at the same time effectually granted or refused to the other,—and in fine, to change their commercial or other Regulations, so as to improve the condition of the one, to the exclusion of the other.

If, on comparing the abovementioned Law with this doctrine, and observing that, whether we look to the time of its enactment or the period of its duration, it could only be applicable to the Contest now carrying on in South America, we cannot but be surprised that it tends directly to injure those who are defending themselves against the most horrible tyranny; and not only prohibits the irregularities arising from the deficiency of measures to preserve a strict Neutrality; but also prohibits or subjects to Bonds, amounting to a prohibition, the exportation of arms and ammunition, or any other mercantile operation, which may be considered as calculated to aid, or in any manner to co-operate in any measure of hostility.

If you permit me, Sir, to point out the effect of that Law upon those Provinces, which, although engaged in the same Cause with those of the Rio de la Plata, are, notwithstanding, under distinct Governments, I would observe that their state of defence is much inferior to that of the Enemy; that some of them, perhaps, have not the means of increasing it, if the nearest Neutral Nation shuts its markets against them; and that the Law which subjects them to the impossibility, or increases the difficulty of augmenting their means of defence, has a direct tendency to promote their subjugation. The unequal effects of this Law are still more evident, if we consider that, while it immediately deprives several of those Provinces of the most essential supplies, it allows their Enemies to draw supplies from hence, without which their Troops could not move a step. It cannot be possible that, in refusing all manner of aid to those who are engaged in our bloody struggle, The United States should so far restrict their Commerce as to prohibit the exportation of provisions.

I shall abstain from calling your attention to consequences still more injurious, resulting from such a precedent; but I cannot avoid

observing, that the 4th Section of the Law in question, is evidently favorable to the King of Spain, exclusively, if we attend to the time and circumstances when it passed.

I confidently rely, Sir, on your laying before the President, the subject of the present complaint, which nothing but the necessity of the case has compelled me to make, and also on your submitting to him that, in our present struggle, we not only defend the rights of mankind, and the best interests of civilized society, but that we are contending for the preservation of our families and for our existence.

God preserve you many years!

The Hon. J. Q. Adams.

MANUEL H. DE AGUIRRE.

(16.)—*Don Manuel de Aguirre to the Secretary of State of The United States.* (Translation.)

SIR,

Washington, 6th January, 1818.

IN the last interview with which you honored me a few days ago, you were pleased to state, that the Act of the acknowledgment of the Independence of the United Provinces of South America ought to be reduced to a formal Treaty between the 2 Independent Governments, as was practised in the case of the Treaty of Amity and Commerce between The United States and His Most Christian Majesty, in 1778.

Not considering myself, in truth, sufficiently authorized by my Government, to treat with that of The United States, in special terms, I then had the honor to explain to you that my powers did not extend so far; but, keeping in view the spirit and object of my Commission, (as appear by the Credentials now in your possession) namely, "to promote as far as may be the honor and consolidation of the cause in which these Provinces are now engaged;" and it appearing evident, on the other hand, to be the intention and desire of the Sovereign Congress closely to connect themselves, by direct relations of mutual friendship and commerce, with these United States; I have not the least hesitation to assure you, that I consider myself fully authorized by my Government to enter into a Negotiation with that of The United States, on the general basis of a reciprocal amity and commerce.

I have the honor to renew to you, &c.

The Hon. J. Q. Adams.

MANUEL H. DE AGUIRRE.

(17.)—*Don Manuel de Aguirre to the Secretary of State of The United States.* (Translation.)

SIR,

Washington, 16th January, 1818.

I HAD the honor, in my interview with you on the 13th of this month, to state to you the light in which the Invasion of one of the United Provinces by the Troops of the King of Portugal was viewed by my Government, as thereby violating the Neutrality which they had

bound themselves to maintain conjointly with my Government. I likewise deemed it fit to inform you, that this act of Invasion by a Neutral Nation, for the purpose of dismembering the integrity of the Territory of Spanish America, within its lawful limits, was considered by the Councils of my Government, as an act of hostility between the Nations at variance, and that on this principle, they had regulated their conduct towards the King of Portugal.

In the same Conference, I had the satisfaction to represent to you, that the trade and communication between the Provinces of Rio de la Plata and The United States, had no other basis than a Decree of the Government of those Provinces, by which a free trade is granted to Foreign Nations, in consequence of the imperious circumstances of the Mother Country, in the years 1808 and 1809, and by which that Government reserved the right of limiting its duration, on the termination of the urgency of the case.

In the Note which I previously had the honor to address you, I considered it my duty to express the sincere and earnest desire of my Government to establish reciprocal and close relations of amity and commerce with The United States; and you will now permit me to request you, Sir, that in making the President acquainted with these loyal sentiments, you will also inform him, that it is equally its desire to establish a solid and lasting friendship, in order that the consequent predilection may have its full effect on the communication and trade between both Countries.

God preserve you many years.

The Hon. J. Q. Adams.

MANUEL H. DE AGUIRRE.

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(1.)—*Treaty of Limits between The United States and the Creek Nation of Indians.—Signed on Flint River, 22nd January, 1818.*

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting :

WHEREAS a Treaty of Limits between the United States of America and the Creek Nation of Indians, was concluded and signed at the Creek Agency, on Flint River, the 22nd day of January, in the year of our Lord 1818, by a Commissioner on the part of the said United States, and certain Kings, Chiefs, Head-men, and Warriors, of the said Nation, on the part and in behalf of the said Nation; which Treaty is in the words following, to wit :

A Treaty of Limits between The United States and the Creek Nation of Indians, made and concluded at the Creek Agency, on Flint River, the 22nd day of January, in the year of our Lord, 1818.

James Monroe, President of the United States of America, by David Brydie Mitchell, of the State of Georgia, Agent of Indian Affairs for the Creek Nation, and Sole Commissioner, specially appointed for that purpose, on the one part, and the undersigned Kings, Chiefs, Head-men, and Warriors, of the Creek Nation, in Council assembled, on behalf of the said Nation, of the other part, have entered into the following Articles and Conditions, viz :

ART. I. The said Kings, Chiefs, Head-men, and Warriors, do hereby agree, in consideration of certain sums of money to be paid to the said Creek Nation, by the Government of The United States, as hereinafter stipulated, to cede and for ever quit claim, and do, in behalf of their said Nation, hereby cede, relinquish, and for ever quit claim, unto The United States, all right, title, and interest, which the said Nation have, or claim, in or unto, the 2 following tracts of land, situate, lying, and being, within the following bounds; that is to say: 1st. Beginning at the mouth of Goose Creek, on the Alatomahau River, thence, along the line leading to the Mounts, at the head of St. Mary's River, to the point where it is intersected by the line run by the Commissioners of The United States under the Treaty of Fort Jackson; thence, along the said last mentioned line, to a point where a line, leaving the same, shall run the nearest and

a direct course, by the head of a Creek called by the Indians Alcasalekie, to the Ocmulgee River; thence, down the said Ocmulgee River, to its junction with the Oconee, the 2 Rivers there forming the Alatomahau: thence, down the Alatomahau, to the first-mentioned bounds, at the mouth of Goose Creek. 2nd. Beginning at the high shoals of the Appalachie River, and from thence, along the line designated by the Treaty made at the City of Washington, on the 14th day of November, 1815, to the Ulcofouhatchie, it being the first large branch, or fork, of the Ocmulgee, above the Seven Islands; thence, up the Eastern bank of the Ulcofouhatchie, by the water's edge, to where the path leading from the high shoals of the Appalachie to the shallow ford on the Chatahokie, crosses the same; and, from thence, along the said path, to the shallow ford on the Chatahokie River; thence, up the Chatahokie River, by the water's edge, on the Eastern side, to Suwannee Old Town; thence, by a direct line, to the head of Appalachie; and thence, down the same, to the first mentioned bounds at the high shoals of Appalachie.

II. It is hereby stipulated and agreed, on the part of The United States, as a full consideration for the 2 tracts of Land ceded by the Creek Nation, in the preceding Article, that there shall be paid to the Creek Nation by The United States, within the present year, the sum of 20,000 dollars; and 10,000 dollars shall be paid annually for the term of 10 succeeding years, without interest; making, in the whole, 11 payments in the course of 11 years, the present year inclusive; and the whole sum to be paid, 120,000 dollars.

III. And it is hereby further agreed, on the part of The United States, that, in lieu of all former Stipulations relating to Blacksmiths, they will furnish the Creek Nation for 3 years, with 2 Blacksmiths and Strikers.

IV. The President may cause any Line to be run which may be necessary to designate the Boundary of any part of both, or either, of the tracts of Land ceded by this Treaty, at such time, and in such manner, as he may deem proper. And this Treaty shall be obligatory on the Contracting Parties as soon as the same shall be ratified by Government of The United States.

Done at the Place, and on the day and year, before written.

D. B. MITCHELL.

[Marks of 18 Indians.]

Present, D. BREARLY, *Col. 7th Inf.*

WM. S. MITCHELL, *Asst. Agent, I. A. C. N.*

M. JOHNSON, *Lt. Corps of Artillery.*

SL. HAWKINS, }
G. L. LOVETT. } *Interpreters.*

Now, therefore, be it known, that I, James Monroe, President of The United States of America, having seen and considered the said

Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, and have signed the same with my hand. Done at the City of Washington, this 28th day of March, in year of our Lord 1818.

(L. S.) JAMES MONROE.

By the President :

JOHN QUINCY ADAMS, *Secretary of State.*

(2.)—*Treaty between The United States and the Wyandot, and other Tribes of Indians.—Signed at the Foot of the Rapids of the Miami, 29th September, 1817.*

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting :

Whereas a Treaty between The United States of America, and the Wyandot, Seneca, Delaware, Shawanee, Pattawatima, Ottawa, and Chippewa, Tribes of Indians, was concluded and signed, at the Foot of the Rapids of the Miami of Lake Erie, on the 29th day of September, in the year of our Lord 1817, by Commissioners on the part of The said United States, and certain Sachems, Chiefs, and Warriors, of the said Tribes, on the part and in behalf of the said Tribes; which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded, at the Foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan Mc Arthur, Commissioners of The United States, with full power and authority to hold Conferences, and conclude and sign a Treaty or Treaties with all or any of the Tribes or Nations of Indians within the Boundaries of the State of Ohio, of and concerning all matters interesting to The United States and the said Nations of Indians, on the one part; and the Sachems, Chiefs, and Warriors, of the Wyandot, Seneca, Delaware, Shawanee, Pattawatima, Ottawa, and Chippewa, Tribes of Indians.

ART. I. The Wyandot Tribe of Indians, in consideration of the stipulations herein made on the part of The United States, do hereby forever cede to The United States the Lands comprehended within the following Lines and Boundaries: Beginning at a point on the southern shore of Lake Erie, where the present Indian Boundary Line intersects the same, between the mouth of Sandusky Bay and the mouth of Portage River; thence, running south with said Line, to the Line esta-

blished in the year 1795, by the Treaty of Greenville, which runs from the crossing place above Fort Lawrence to Loramie's Store: thence, westerly, with the last mentioned Line, to the eastern Line of the reserve at Loramie's Store; thence, with the Lines of said reserve, north and west, to the northwestern corner thereof; thence to the northwestern corner of the reserve on the River St. Mary's, at the head of the navigable waters thereof; thence, east, to the western bank of the St. Mary's River aforesaid; thence, down on the western bank of the said River, to the reserve at Fort Wayne; thence, with the Lines of the last mentioned reserve, easterly and northerly, to the north bank of the River Miami of Lake Erie; thence, down on the north bank of the said River, to the western Line of the land ceded to The United States by the Treaty of Detroit, in the year 1807; thence, with the said Line, South, to the middle of said Miami River, opposite the mouth of the Great Auglaize River; thence, down the middle of said Miami River, and easterly with the Lines of the tract ceded to The United States by the Treaty of Detroit aforesaid, so far that a South Line will strike the place of beginning.

II. The Pattawatima, Ottawa, and Chippewa, Tribes of Indians, in consideration of the stipulations herein made on the part of The United States, do hereby forever cede to The United States the land comprehended within the following Lines and Boundaries: Beginning where the western Line of the State of Ohio crosses the River Miami of Lake Erie, which is about 21 miles above the mouth of the Great Auglaize River; thence, down the middle of the said Miami River, to a point north of the mouth of the Great Auglaize River; thence, with the western Line of the land ceded to The United States by the Treaty of Detroit, in 1807, north 45 miles; thence, west, so far that a Line south will strike the place of beginning; thence, south, to the place of beginning.

III. The Wyandot, Seneca, Delaware, Shawanee, Pattawatima, Ottawa, and Chippewa, Tribes of Indians, accede to the cessions mentioned in the 2 preceding Articles.

IV. In consideration of the cessions and recognitions stipulated in the 3 preceding Articles, The United States agree to pay to the Wyandot Tribe, annually, forever, the sum of 4,000 dollars, in specie, at Upper Sandusky: to the Seneca Tribe, annually, forever, the sum of 500 dollars, in specie, at Lower Sandusky: to the Shawanee Tribe, annually, forever, the sum of 2,000 dollars, in specie, at Wapaghkonetta: to the Pattawatima Tribe, annually, for the term of 15 years, the sum of 1,300 dollars, in specie, at Detroit: to the Ottawa Tribe annually, for the term of 15 years, the sum of 1,000 dollars, in specie, at Detroit: to the Chippewa Tribe, annually, for the term of 15 years, the sum of 1,000 dollars, in specie, at Detroit: to the Delaware Tribe, in the course of the year 1818, the sum of 500 dollars, in specie, at

Wapaghkonetta, but no annuity : and The United States also agree, that all annuities due by any former Treaty to the Wyandot, Shawanee, and Delaware Tribes, and the annuity due by the Treaty of Greenville, to the Ottawa and Chippewa Tribes, shall be paid to the said Tribes, respectively, in specie.

V. The Schedule hereunto annexed is to be taken and considered as part of this Treaty; and the Tracts herein stipulated to be granted to the Wyandot, Seneca, and Shawanee, tribes of Indians, are to be granted for the use of the Persons mentioned in the said Schedule, agreeably to the descriptions, provisions, and limitations, therein contained.

VI. The United States agree to grant, by patent, in fee simple, to Doanquod, Howoner, Rontondee, Tauyau, Rontayau, Dawatont, Manocue, Tauyaudentauson, and Haudanuwaugh, Chiefs of the Wyandot Tribe, and their successors in office, Chiefs of the said Tribe, for the use of the Persons and for the purposes mentioned in the annexed Schedule, a tract of land 12 miles square, at Upper Sandusky, the centre of which shall be the place where Fort Ferree stands; and also a tract of 1 mile square, to be located where the Chiefs direct, on a cranberry swamp, on Broken Sword Creek, and to be held for the use of the tribe.

The United States also agree to grant, by patent, in fee simple, to Tahawmadoyaw, Captain Harris, Isahownusay, Joseph Tawgyou, Captain Smith, Coffee-house, Running-about, and Wipingstick, Chiefs of the Seneca Tribe of Indians, and their successors in office, Chiefs of the said Tribe, for the use of the Persons mentioned in the annexed Schedule, a tract of land to contain 30,000 acres, beginning on the Sandusky River, at the lower corner of the section hereinafter granted to William Spicer; thence, down the said River, on the East side, with the meanders thereof at high water mark, to a point East of the mouth of Wolf Creek; thence, and from the beginning, East, so far that a North Line will include the quantity of 30,000 acres aforesaid.

The United States also agree to grant, by patent, in fee simple, to Catewekesa or Black Hoof, Byaseka or Wolf, Pomthe or Walker, Shemenetoo or Big Snake, Othawakeseka or Yellow Feather, Chakallowah or the Tail's End, Pemthala or John Perry, Wabepee or White Colour, Chiefs of the Shawanee Tribe, residing at Wapaghkonetta, and their successors in office, Chiefs of the said Tribe, residing there, for the use of the Persons mentioned in the annexed Schedule, a tract of land 10 miles square, the centre of which shall be the Council-house at Wapaghkonetta..

The United States also agree to grant, by patent in fee simple, to Peeththa or Falling Tree, and to Onowaskemo or the Resolute Man, Chiefs of the Shawanee Tribes, residing on Hog Creek, and their successors in office, Chiefs of the said Tribe, residing there, for the use of

the Persons mentioned in the annexed Schedule, a tract of land containing 25 square miles, which is to join the tract granted at Wapaghkonetta, and to include the Shawanee Settlement on Hog Creek, and to be laid off as nearly as possible in a square form.

The United States also agree to grant, by patent, in fee simple, to Quatawape or Captain Lewis, Shekaghkela or Turtle, Skilowa or Robin, Chiefs of the Shawanee Tribe of Indians, residing at Lewistown, and to Mesomea or Civil John, Wakawuxsheno or the White Man, Oquasheno or Joe, and Willaquasheno or When-you-are-tired-sit-down, Chiefs of the Seneca Tribe of Indians residing at Lewistown, and to their successors in office, Chiefs of the said Shawanee and Seneca Tribes, for the use of the Persons mentioned in the annexed Schedule, a tract of land to contain 48 square miles, to begin at the intersection of the line run by Charles Roberts, in the year 1812, from the source of the Little Miami River to the source of the Sciota River, in pursuance of Instructions from the Commissioners appointed on the part of The United States, to establish the Western Boundary of the Virginia Military Reservation, with the Indian Boundary Line established by the Treaty of Greenville, in 1795, from the crossings above Fort Lawrence to Loramie's Store, and to run from such intersection, Northerly, with the first mentioned Line, and Westerly, with the second mentioned Line, so as to include the quantity as nearly in a square form as practicable, after excluding the section of land hereinafter granted to Nancy Stewart.

There shall also be reserved for the use of the Ottawa Indians, but not granted to them, a tract of land on Blanchard's Fork of the Great Auglaize River, to contain 5 miles square, the centre of which tract is to be where the old trace crosses the said Fork, and one other tract to contain 3 miles square, on the Little Auglaize River, to include Oquanoxa's Village.

VII. And the said Chiefs or their successors may, at any time they may think proper, convey to either of the Persons mentioned in the said Schedule, or his Heirs, the quantity secured thereby to him, or may refuse so to do. But the use of the said land shall be in the said Person; and after the share of any Person is conveyed by the Chiefs to him, he may convey the same to any Person whatever. And any one entitled by the said Schedule to a portion of the said land, may, at any time, convey the same to any Person, by obtaining the approbation of the President of The United States, or of the Person appointed by him to give such approbation. And the Agent of The United States shall make an equitable partition of the said share when conveyed.

VIII. At the special request of the said Indians, The United States agree to grant, by Patent, in fee simple, to the Persons hereinafter

mentioned, all of whom are connected with the said Indians, by blood or adoption, the tracts of land herein described :

To Elizabeth Whitaker, who was taken prisoner by the Wyandots, and has ever since lived among them, 1280 acres of land, on the west side of the Sandusky River, below Croghansville, to be laid off in a square form, as nearly as the meanders of the said River will admit, and to run an equal distance above and below the house in which the said Elizabeth Whitaker now lives.

To Robert Armstrong, who was taken prisoner by the Indians, and has ever since lived among them, and has married a Wyandot woman, 1 section, to contain 640 acres of land, on the west side of the Sandusky River, to begin at the Place called Camp Ball, and to run up the river, with the meanders thereof, 160 poles, and, from the beginning, down the River, with the meanders thereof, 160 poles, and from the extremity of these Lines west for quantity.

To the children of the late William M'Collock, who was killed in August, 1812, near Maugaugon, and who are quarter-blood Wyandot Indians, 1 section, to contain 640 acres of land, on the west side of the Sandusky River, adjoining the lower Line of the tract hereby granted to Robert Armstrong, and extending in the same manner with and from the said River.

To John Vanmeter, who was taken prisoner by the Wyandots, and who has ever since lived among them, and has married a Seneca woman, and to his wife's 3 brothers, Senecas, who now reside on Honey Creek, 1000 acres of land, to begin north, 45 degrees west, 140 poles from the house in which the said John Vanmeter now lives, and to run thence, south, 320 poles, thence, and from the beginning, east for quantity.

To Sarah Williams, Joseph Williams, and Rachel Nugent, late, Rachel Williams, the said Sarah having been taken prisoner by the Indians, and ever since lived among them, and being the widow, and the said Joseph and Rachel being the children of the late Isaac Williams, a half-blood Wyandot, 1 quarter section of land, to contain 160 acres, on the east side of the Sandusky River, below Croghansville, and to include their improvements at a Place called Negro Point.

To Catherine Walker, a Wyandot woman, and to John R. Walker, her son, who was wounded in the service of The United States, at the battle of Mauguagon, in 1812, a section of 640 acres of land each, to begin at the north-western corner of the tract hereby granted to John Vanmeter and his wife's brothers, and to run with the line thereof South, 320 poles, thence, and from the beginning, west for quantity.

To William Spicer, who was taken prisoner by the Indians, and has ever since lived among them, and has married a Seneca woman, a section of land, to contain 640 acres, beginning on the east bank of the Sandusky river, 40 poles below the corner of said Spicer's cornfield

thence, up the river on the east side, with the meanders thereof, 1 mile, thence, and from the beginning, east for quantity.

To Nancy Stewart, daughter of the late Shawanee Chief Blue Jacket, 1 section of land, to contain 640 acres, on the Great Miami River, below Lewistown, to include her present improvements, 3 quarters of the said section, to be on the south-east side of the river, and 1 quarter on the north-west side thereof.

To the children of the late Shawanee Chief Captain Logan, or Spamagelabe, who fell in the service of The United States, during the late War, 1 section of land, to contain 640 acres, on the east side of the Great Auglaize River, adjoining the lower line of the grant of 10 miles at Wapaghkonetta and the said river.

To Anthony Shane, a half-blood Ottawa Indian, 1 section of land, to contain 640 acres, on the east side of the River St. Mary's, and to begin opposite the house in which the said Shane now lives, thence, up the river, with the meanders thereof, 160 poles, and from the beginning down the river, with the meanders thereof, 160 poles, and from the extremity of the said lines east for quantity.

To James M'Pherson, who was taken prisoner by the Indians, and has ever since lived among them, 1 section of land, to contain 640 acres, in a square form, adjoining the northern or western Line of the grant of 48 miles at Lewistown, at such place as he may think proper to locate the same.

To Horonu, or the Cherokee Boy, a Wyandot Chief, a section of land, to contain 640 acres, on the Sandusky River, to be laid off in a square form, and to include his improvements.

To Alexander D. Godfroy and Richard Godfroy, adopted children of the Pattawatima Tribe, and at their special request, one section of land, to contain 640 acres, in the tract of Country herein ceded to The United States by the Pattawatima, Ottawa, and Chippewa, Tribes, to be located by them, the said Alexander and Richard, after the said tract shall have been surveyed.

To Sawendebans, or the Yellow Hair, or Peter Minor, an adopted son of Tondaganie, or the Dog, and at the special request of the Ottawas, out of the tract reserved by the Treaty of Detroit, in 1807, above Roche de Bœuf, at the Village of the said Dog, a section of land, to contain 640 acres to be located in a square form, on the north side of the Miami, at the Wolf Rapid.

IX. The United States engage to appoint an Agent, to reside among or near the Wyandots, to aid them in the protection of their persons and property, to manage their intercourse with the Government and Citizens of The United States, and to discharge the duties which commonly appertain to the Office of Indian Agent; and the same Agent is to execute the same duties for the Senecas and Delawares on the Sandusky River. And an Agent for similar
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purposes, and vested with similar powers, shall be appointed, to reside among or near the Shawanees, whose Agency shall include the reservations at Wapaghkonetta, at Lewistown, at Hog Creek, and at Blanchard's Creek. And one mile square shall be reserved at Malake for the use of the Agent for the Shawanees.

And the Agent for the Wyandots and Senecas shall occupy such land in the Grant at Upper Sandusky, as may be necessary for him and the Persons attached to the Agency.

X. The United States engage to erect a saw-mill and a grist-mill, upon some proper part of the Wyandot reservation, for their use, and to provide and maintain a Blacksmith, for the use of the Wyandots and Senecas, upon the reservation of the Wyandots, and another Blacksmith, for the use of the Indians at Wapaghkonetta, Hog Creek, and Lewistown.

XI. The Stipulations contained in the Treaty of Greenville, relative to the right of the Indians to hunt upon the land hereby ceded, while it continues the property of The United States, shall apply to this Treaty; and the Indians shall, for the same term, enjoy the privilege of making sugar upon the same land, committing no unnecessary waste upon the trees.

XII. The United States engage to pay, in the course of the year 1818, the amount of the damages which were assessed by the authority of the Secretary of War, in favor of several Tribes and Individuals of the Indians, who adhered to the cause of The United States during the late War with Great Britain, and whose property was, in consequence of such adherence, injured or destroyed. And it is agreed, that the sums thus assessed shall be paid in specie, at the places, and to the Tribes or Individuals, hereinafter mentioned, being in conformity with the said assessment; that is to say:

To the Wyandots, at Upper Sandusky, 4,319 dollars and 39 cents.

To the Senecas, at Lower Sandusky, 3,989 dollars and 24 cents.

To the Indians at Lewis and Scoutash's Towns, 1,227 dollars and 50 cents.

To the Delawares, for the use of the Indians who suffered losses at Greentown and at Jerome's Town, 3,956 dollars and 50 cents, to be paid at Wapaghkonetta.

To the Representatives of Hembis, a Delaware Indian, 348 dollars and 50 cents, to be paid at Wapaghkonetta.

To the Shawanees, an additional sum of 420 dollars, to be paid at Wapaghkonetta.

To the Senecas, an additional sum of 219 dollars, to be paid at Wapaghkonetta.

XIII. And whereas the sum of 2,500 dollars has been paid by The United States to the Shawanees, being one half of 5 years' annuities due by the Treaty of Fort Industry, and whereas the Wyandots contend that

the whole of the annuity secured by that Treaty is to be paid to them, and a few Persons of the Shawanee and Seneca Tribes ; now, therefore, the Commissioners of The United States, believing that the construction given by the Wyandots to the said Treaty is correct, engage that The United States shall pay to the said Wyandot Tribe in specie, in the course of the Year 1818, the said sum of 2,500 dollars.

KIV. The United States reserve to the proper Authority, the right to make roads through any part of the land granted or reserved by this Treaty ; and also to the different Agents, the right of establishing Taverns and Ferries for the accommodation of Travellers, should the same be found necessary.

XV. The tracts of land herein granted to the Chiefs, for the use of the Wyandot, Shawanee, Seneca, and Delaware Indians, and the reserve for the Ottawa Indians, shall not be liable to Taxes of any kind, so long as such land continues the property of the said Indians.

XVI. Some of the Ottawa, Chippewa, and Pattawatima, Tribes, being attached to the Catholic Religion, and believing they may wish some of their children hereafter educated, do grant to the Rector of the Catholic Church of St. Anne of Detroit, for the use of the said Church, and to the Corporation of the College at Detroit, for the use of the said College, to be retained or sold, as the said Rector and Corporation may judge expedient, each, one half of 3 sections of land, to contain 640 acres, on the River Raisin, at a place called Macon ; and 3 sections of land not yet located, which tracts were reserved for the use of the said Indians, by the Treaty of Detroit, in 1807 ; and the Superintendent of Indian affairs, in the Territory of Michigan, is authorized, on the part of the said Indians, to select the said tracts of land.

XVII. The United States engage to pay to any of the Indians, the value of any improvements which they may be obliged to abandon in consequence of the Lines established by this Treaty.

XVIII. The Delaware Tribe of Indians, in consideration of the stipulations herein made on the part of The United States, do hereby for ever cede to The United States all the claim which they have to the 13 sections of land reserved for the use of certain Persons of their Tribe, by the 2nd Section of the Act of Congress, passed March the 3rd, 1807, providing for the disposal of the lands of The United States between the United States' Military Tract and the Connecticut Reserve, and the lands of The United States between the Cincinnati and Vincennes Districts.

XIX. The United States agree to grant, by patent, in fee simple, to Zecshawau, or James Armstrong, and to Sanondoyourayquaw, or Silas Armstrong, Chiefs of the Delaware Indians, living on the Sandusky Waters, and their successors in office, Chiefs of the said Tribe, for the use of the Persons mentioned in the annexed Schedule, in the

same manner, and subject to the same conditions, provisions, and limitations, as is hereinbefore provided for the lands granted to the Wyandot, Seneca, and Shawanee, Indians, a tract of land, to contain 9 square miles, to join the tract granted to the Wyandots of 12 miles square, to be laid off as nearly in a square form as practicable, and to include Captain Pipe's Village.

XX. The United States also agree to grant, by patent, to the Chiefs of the Ottawa Tribe of Indians, for the use of the said Tribe, a tract of land, to contain 34 square miles, to be laid out as nearly in a square form as practicable, not interfering with the lines of the tracts reserved by the Treaty of Greenville on the South side of the Miami River of Lake Erie, and to include Tushquegan, or M'Carty's Village: which tracts, thus granted, shall be held by the said Tribe, upon the usual conditions of Indian reservations, as though no Patent were issued.

XXI. This Treaty shall take effect, and be obligatory on the Contracting Parties, as soon as the same shall have been ratified by the President of The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Duncan M'Arthur, Commissioners as aforesaid, and the Sachems, Chiefs, and Warriors, of the Wyandot, Seneca, Shawanee, Delaware, Pattawatima, Ottawa, and Chippewa, Tribes of Indians, have hereunto set their hands, at the Foot of the Rapids of the Miami of Lake Erie, this 29th day of September, in the year of our Lord 1817.

LEWIS CASS.

DUNCAN McARTHUR.

In presence of

WM. TURNER, *Secretary to the Commissioners.*

W. KNAGGS, *Indian Agent.*

G. GODFROY, *Indian Agent.*

JOHN JOHNSTON, *Indian Agent.*

R. A. FORSYTH, jun., *Secretary,*

B. F. STICKNEY, *Indian Agent.*

Indian Department.

Sworn

Interpreters.

WILLIAM CONNER.

PETER RILEY.

H. W. WALKER.

HENRY I. HUNT.

JOHN R. WALKER.

JOS. VANCE.

JAMES M'PHERSON.

JONATHAN LESLIE.

F. DUCHOUQUET.

ALVAN COE.

A. SHANE.

JOHN GUNN.

J. B. B. BEAUGRAND.

C. L. CASS, *Lt. U. S. Army.*

[Marks of 16 Chippewas.]

[Marks of 31 Pattawatimas.]

[Marks of 8 Wyandots.]

[Marks of 5 Delawares.]

[Marks of 12 Shawanees.]

[Marks of 8 Senecas.]

[Marks of 13 Ottawas.]

Schedule referred to in the foregoing Treaty, and to be taken and considered as part thereof.

Three Sections, to contain 640 acres each, are to be reserved out of the tract of 12 miles square to be granted to the Wyandots. One of the said Sections is to be appropriated to the use of a Missionary, one for the support of Schools, and one for the support of Mechanics, and to be under the direction of the Chiefs. Two Sections of 640 acres each, are to be granted to each of the following Persons, being the Chief of the Wyandot Tribe, and his 6 Counsellors, namely :

[Names of 7 Wyandots.]

And, after deducting the 15 Sections thus to be disposed of, the residue of the said tract of 12 miles square, is to be equally divided among the following Persons, namely :

[Names of 176 Wyandots.]

The 30,000 acres for the Senecas upon the Sandusky River, is to be equally divided among the following Persons, namely :

[Names of 83 Senecas.]

The tract of 10 miles square at Wapaglikonetta, is to be equally divided among the following Persons, namely :

[Names of 143 Individuals.]

The tract of 5 miles square at Hog Creek, is to be equally divided among the following Persons, namely :

[Names of 24 Individuals.]

The tract of 48 square miles, including Lewis Town, is to be equally divided among the following Persons, namely :

[Names of 81 Shawanees, and 50 Senecas.]

The tract of 3 miles square for the Delaware Indians, adjoining the tract of 12 miles square upon the Sandusky River, is to be equally divided among the following Persons, namely :

[Names of 17 Individuals.]

LEWIS CASS, } *Commissioners.*
DUNCAN McARTHUR, }

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 4th day of January, in the year of our Lord 1819; and of the Independence of The United States the 43rd.

(L. S.) JAMES MONROE,

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(3.)—*Supplementary Treaty between The United States and the Wyandot, and other Tribes of Indians.—Signed at St. Mary's, 17th September, 1818.*

JAMES MONROE, President of The United States of America.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,

GREETING:

WHEREAS a Treaty between the United States of America, and the Wyandot, Seneca, Shawanee, and Ottawa, Tribes of Indians, was concluded and signed, on the 17th day of September, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Sachems, Chiefs, and Warriors, of the said Tribes, on the part and in behalf of the said Tribes: which Treaty is in the words following, to wit:

Articles of a Treaty made and concluded, at St. Mary's, in the State of Ohio, between Lewis Cass and Duncan McArthur, Commissioners of The United States, with full power and authority to hold Conferences, and conclude and sign a Treaty or Treaties, with all or any of the Tribes or Nations of Indians within the Boundaries of the State of Ohio, of and concerning all matters interesting to The United States and the said Nations of Indians, and the Sachems, Chiefs, and Warriors, of the Wyandot, Seneca, Shawanee, and Ottawa, Tribes of Indians; being Supplementary to the Treaty made and concluded with the said Tribes, and the Delaware, Patawatima, and Chippewa Tribes of Indians, at the foot of the Rapids of the Miami of Lake Erie, on the 29th day of September, in the year of our Lord 1817.

ART. I. It is agreed, between The United States and the Parties hereunto, that the several tracts of land, described in the Treaty to which this is Supplementary, and agreed thereby to be granted by The United States to the Chiefs of the respective Tribes named therein, for the use of the Individuals of the said Tribes, and also the tract described in the XXth Article of the said Treaty, shall not be thus granted, but shall be excepted from the cession made by the said Tribes to The United States, reserved for the use of the said Indians, and held by them in the same manner as Indian reservations have been heretofore held. But it is further agreed, that the tracts thus reserved shall be reserved for the use of the Indians named in the Schedule to the said Treaty, and held by them and their heirs for ever, unless ceded to The United States.

II. It is also agreed that there shall be reserved for the use of the Wyandots, in addition to the reservations before made, 55,690 acres of land, to be laid off in 2 tracts, the first to adjoin the South Line of the section of 640 acres of land heretofore reserved for the Wyandot Chief, the

Cherokee Boy, and to extend south to the North Line of the reserve of 12 miles square, at Upper Sandusky, and the other to join the East Line of the reserve of 12 miles square, at Upper Sandusky, and to extend east for quantity.

There shall also be reserved, for the use of the Wyandots, residing at Solomon's Town, and on Blanchard's Fork, in addition to the reservations before made, 16,000 acres of land, to be laid off in a square form, on the head of Blanchard's Fork, the centre of which shall be at the Big Spring, on the trace leading from Upper Sandusky to Fort Findlay; and 160 acres of land, for the use of the Wyandots, on the west side of the Sandusky River, adjoining the said river, and the lower Line of 2 sections of land, agreed by the Treaty to which this is Supplementary, to be granted to Elizabeth Whitaker.

There shall also be reserved, for the use of the Shawanees, in addition to the reservations before made, 12,800 acres of land, to be laid off adjoining the east Line of their reserve of 10 miles square, at Wapaghkonetta; and for the use of the Shawanees and Senecas, 8,960 acres of land, to be laid off adjoining the West Line of the reserve of 48 square miles at Lewistown. And the last reserve hereby made, and the former reserve at the same place, shall be equally divided by an East and West Line, to be drawn through the same. And the north half of the said tract shall be reserved for the use of the Senecas who reside there, and the south half for the use of the Shawanees who reside there.

There shall also be reserved for the use of the Senecas, in addition to the reservations before made, 10,000 acres of land, to be laid off on the east side of the Sandusky River, adjoining the South Line of their reservation of 30,000 acres of land, which begins on the Sandusky River, at the lower corner of William Spicer's Section, and excluding therefrom the said William Spicer's Section.

III. It is hereby agreed that the tracts of land, which by the VIIIth Article of the Treaty to which this is Supplementary, are to be granted by The United States to the Persons therein mentioned, shall never be conveyed, by them or their heirs, without the permission of the President of The United States.

IV. The United States agree to pay to the Wyandots an additional annuity of 500 dollars, for ever; to the Shawanees, and to the Senecas of Lewistown, an additional annuity of 1,000 dollars, for ever; and to the Senecas an additional annuity of 500 dollars for ever; and to the Ottawas an additional annuity of 1,500 dollars, for ever. And these annuities shall be paid at the Places, and in the manner prescribed by the Treaty to which this is Supplementary.

V. This Treaty shall take effect, and be obligatory on the Contracting Parties, as soon as the same shall be ratified by the President of

The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Duncan Mc Arthur, Commissioners as aforesaid, and the Sachems, Chiefs, and Warriors of the Wyandot, Seneca, Shawanee, and Ottawa Tribes of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this 17th day of September, in the year of our Lord, 1818.

LEWIS CASS.

DUNCAN McARTHUR.

In presence of

WM. TURNER, *Secretary.*

JOHN CONNER.

JOHN JOHNSTON, *Indian Agent.*

J. T. CHUNN, *Major of 3rd Infantry.*

B. F. STICKNEY, *Indian Agent.*

R. A. FORSYTH, Jun., *Secretary, Indian Department.*

B. PARKE, *District Judge of Indiana.*

JONATHAN JENNINGS, *Governor of Indiana.*

WM. P. RATHBONE, *Army Contractor.*

ALEX. WOLCOTT, Jun., *Indian Agent, Detroit.*

G. M. GROSVENOR, *Captain, 8th Infantry.*

Sworn In-
terpreters. { HENRY I. HUNT.
JOHN KENZER, Sub-
Agent.
F. DUCHOUQUET.

W. KNAGGS.

A. SHANE.

JOHN B. WALKER.

L. JOUETT, *Indian Agent.*

[Marks of 6 Ottawas.]

[Marks of 12 Shawanees.]

[Marks of 3 Ottawas.]

[Marks of 9 Wyandots.]

[Marks of 8 Senecas.]

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 4th day of January, in the year of our Lord, 1819, and of the Independence of The United States the 43rd.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(4.)—*Treaty between The United States and the Pattawatima Nation of Indians.—Signed at St. Mary's, 2nd October, 1818.*

JAMES MONROE, President of the United States of America.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty between the United States of America and the Pattawatima Nation of Indians, was made and concluded at St. Mary's, in the State of Ohio, on the 2nd day of October, in the year of our Lord, 1818, by Commissioners on the part of The said United States, and certain Chiefs and Warriors of the said Nation, on the part, and in behalf of the said Nation : which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded at St. Mary's, in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners of The United States, and the Pattawatima Nation of Indians.

ART. I. The Pattawatima Nation of Indians cede to The United States all the Country comprehended within the following limits: Beginning at the mouth of the Tippecanoe River, and running up the same to a point 25 miles in a direct line from the Wabash River; thence, on a line as nearly parallel to the general course of the Wabash River as practicable, to a point on the Vermillion River, 25 miles from the Wabash River; thence, down the Vermillion River to its mouth, and thence, up the Wabash River, to the place of beginning. The Pattawatimas also cede to The United States all their claim to the Country south of the Wabash River.

II. The United States agree to purchase any just claim which the Kickapoos may have to any part of the Country hereby ceded below Pine Creek.

III. The United States agree to pay to the Pattawatimas a perpetual annuity of 2,500 dollars in silver; one half of which shall be paid at Detroit, and the other half at Chicago; and all annuities which, by any former Treaty, The United States have engaged to pay to the Pattawatimas, shall be hereafter paid in silver.

IV. The United States agree to grant to the Persons named in the annexed Schedule, and their heirs, the quantity of land therein stipulated to be granted; but the land so granted shall never be conveyed by either of the said Persons, or their heirs, unless by the consent of the President of the The United States.

In testimony whereof, the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners as aforesaid, and the Sachems, Chiefs and Warriors, of the Pattawatima Tribe of Indians, have here-

unto set their hands, at St. Mary's, in the State of Ohio, this 2nd day of October, in the year of our Lord 1818, and of the Independence of The United States the 43rd.

JONATHAN JENNINGS.

LEWIS CASS.

B. PARKE.

[Marks of 34 Chiefs and Warriors,]

In presence of

JAMES DILL, *Secretary to the Commissioners.* R. A. FORSYTH, *Secretary of Indian Affairs.*

WILLIAM TURNER, *Secretary.* ISAAC BURNETT.

JNO. JOHNSTON, *Indian Agent.* BENEDICT JH. FLAGET, *Bishop of Bardstown.*

B. F. STICKNEY, *S. I. A.*

G. GODFREY, *Indian Agent.*

WILLIAM PRINCE, *Indian Agent.*

JOHN F. CHUNN, *Major 3rd Infantry.*

JOHN CONNER.

WILLIAM CONNER, *Interpreter.* P. HACKLEY, *Capt. 3rd Infantry.*

Schedule referred to in the foregoing Treaty.

THERE shall be granted to James Burnett, John Burnett, Isaac Burnett, Jacob Burnett, and Abraham Burnett, 2 sections of land each; and to Rebecca Burnett, and Nancy Burnett, 1 section of land each; which said James, John, Isaac, Jacob, Abraham, Rebecca, and Nancy, are children of Cakimi, a Pattawatima woman, sister of Topinabe, principal Chief of the Nation; and 6 of the sections herein granted, shall be located from the mouth of the Tippecanoe River, down the Wabash River, and the other 6 Sections shall be located at the mouth of Flint River.

There shall be granted to Perig, a Pattawatima Chief, one section of land on the Flint River, where he now lives. There shall also be granted to Mary Chatalie, daughter of Nebosh, a Pattawatima Chief, 1 section of land, to be located below the mouth of Pine River.

JONATHAN JENNINGS.

LEWIS CASS.

B. PARKE.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 15th day of January,

the year of our Lord, 1819, and in the 43rd year of American dependence.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

)—Treaty between The United States and the Delaware Nation of Indians.—Signed at St. Mary's, 3rd October, 1818.

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,

GREETING :

WHEREAS, a Treaty between the United States of America and the Delaware Nation of Indians, was concluded at St. Mary's, in the State of Ohio, on the 3rd day of October, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Nation, on the part and in behalf of the said Nation; which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded at St. Mary's in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners of The United States, and the Delaware Nation of Indians.

ART. I. The Delaware Nation of Indians cede to The United States, all their claim to land in the State of Indiana.

II. In consideration of the aforesaid Cession, The United States agree to provide for the Delawares a Country to reside in, upon the west side of the Mississippi, and to guarantee to them the peaceable possession of the same.

III. The United States also agree to pay the Delawares the full value of their improvements in the Country hereby ceded, which valuation shall be made by Persons to be appointed for that purpose by the President of The United States; and to furnish the Delawares with 120 horses, not to exceed in value 40 dollars each, and a sufficient number of perogues, to aid in transporting them to the west side of the Mississippi; and a quantity of provisions, proportioned to their numbers, and the extent of their journey.

IV. The Delawares shall be allowed the use and occupation of their improvements, for the term of 3 years from the date of this Treaty, if they so long require it.

V. The United States agree to pay the Delawares a perpetual annuity of 4,000 dollars; which, together with all annuities which The United States, by any former Treaty, engaged to pay to them, shall be paid in silver, at any place to which the Delawares may remove.

VI. The United States agree to provide and support a Blacksmith

for the Delawares, after their removal to the West side of the Mississippi.

VII. One-half section of land shall be granted to each of the following Persons, namely; Isaac Wobby, Samuel Cassman, Elizabeth Petchaka, and Jacob Dick; and $\frac{1}{4}$ of a section of land shall be granted to each of the following Persons, namely; Solomon Tindell, and Benoni Tindell; all of whom are Delawares: which tracts of land shall be located, after the Country is surveyed, at the 1st Creek above the old Fort on White River, and running up the River; and shall be held by the Persons herein named, respectively, and their heirs; but shall never be conveyed or transferred without the approbation of the President of The United States.

VIII. A sum, not exceeding 13,312 dollars and 25 cents, shall be paid by The United States, to satisfy certain Claims against the Delaware Nation; and shall be expended by the Indian Agent at Piqua and Fort Wayne, agreeably to a Schedule this day examined and approved by the Commissioners of The United States.

IX. This Treaty, after the same shall be ratified by the President and Senate of The United States, shall be binding on the Contracting Parties.

In testimony whereof the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners as aforesaid, and the Chiefs and Warriors of the Delaware Nation of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this 3rd day of October, in the year of our Lord 1818.

JONATHAN JENNINGS.

LEWIS CASS.

B. PARKE.

[Marks of 18 Indians.].

In presence of

JAMES HILL, *Secretary to the Commissioners.* JOHN F. CHUNN, *Maj. 3rd U. S. Infantry.*

WILLIAM TURNER, *Secretary.* J. HACKLEY, *Capt. 3rd Infantry.*

JOHN JOHNSTON, *Indian Agent.* WILLIAM OLIVER.

B. F. STICKNEY, *S. I. A.* HILLARY BRUNOT, *Lt. 3rd Infantry.*

JOHN CONNER. DAVID OLIVER.

WILLIAM CONNER, *Interpreter.* R. A. FORSYTH, *Jun., Secretary*

JOHN KINZIE, *Sub-Agent.* *Ind. Depart.*

G. GODFREY, *Sub-Agent.*

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States

to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 15th day of January, in the year of our Lord 1819, and of the Independence of The United States the 43rd.

(L.S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(6.)—*Treaty between The United States and the Miami Nation of Indians.—Signed at St. Mary's, 6th October, 1818.*

JAMES MONROE, *President of the United States of America,*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,

GREETING :

WHEREAS a Treaty between the United States of America and the Miami Nation of Indians, was made and concluded, at St. Mary's, in the State of Ohio, on the 6th day of October, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Nation, on the part and in behalf of the said Nation ; which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded, at St. Mary's, in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners of The United States, and the Miami Nation of Indians.

ART. I. The Miami Nation of Indians cede to The United States the following tract of Country : Beginning at the Wabash River, where the present Indian Boundary Line crosses the same, near the mouth of Racoon Creek ; thence, up the Wabash River, to the reserve at its head, near Fort Wayne ; thence, to the reserve at Fort Wayne ; thence, with the Lines thereof, to the St. Mary's River ; thence, up the St. Mary's River, to the reservation at the Portage ; thence, with the Line of the Cession made by the Wyandot Nation of Indians to The United States, at the Foot of the Rapids of the Miami of Lake Erie, on the 29th day of September, in the year of our Lord 1817, to the reservation at Loramie's store ; thence, with the present Indian Boundary Line, to Fort Recovery ; and, with the said Line, following the courses thereof, to the place of beginning.

II. From the Cession aforesaid the following reservations, for the use of the Miami Nation of Indians, shall be made ; 1 reservation, extending along the Wabash River, from the mouth of Salamanie River to the mouth of Eel River, and from those points, running due

south, a distance equal to a direct Line from the mouth of Salamanie River to the mouth of Eel River. 1 other reservation of 2 miles square, on the River Salamanie, at the mouth of Atchepongqwave Creek. 1 other reservation, of 6 miles square, on the Wabash River, below the Forks thereof. 1 other reservation, of 10 miles square, opposite the mouth of the River A Bouette. 1 other reservation, of 10 miles square, at the Village on Sugar Tree Creek. 1 other reservation of 2 miles square, at the mouth of a Creek, called Flat Rock, where the road to White River crosses the same.

III. The United States agree to grant, by patent, in fee simple, to Jean Bapt. Richardville, principal Chief of the Miami Nation of Indians, the following tracts of land: 3 sections of land, beginning about 25 rods below his house, on the River St. Mary's, near Fort Wayne; thence, at right angles with the course of the River, 1 mile; and from this Line, and the said River, up the stream thereof, for quantity. 2 sections, upon the east side of the St. Mary's River, near Fort Wayne, running east 1 mile with the Line of the military reservation; thence, from that Line, and from the River, for quantity. 2 sections, on the 27 mile Creek, where the road from St. Mary's to Fort Wayne crosses it, being 1 section on each side of said Creek.

2 sections on the left bank of the Wabash, commencing at the Forks and running down the River.

The United States also agree to grant to each of the following Persons, being Miami Indians by birth, and their heirs, the tracts of land herein described.

To Joseph Richardville and Joseph Richardville, jun. 2 sections of land, being 1 on each side of the St. Mary's River, and below the reservation made on that River by the Treaty of Greenville, in 1795.

To Wemetché or the Crescent, 1 section, below and adjoining the reservation of Anthony Chesne, on the west side of the St. Mary's River, and 1 section immediately opposite to Macultamunqua or Black Loon.

To Keenquatakqua or Long Hair, Aronzon or Twilight, Peconbequa or a Woman striking, Aughquamauda or Difficulty, and to Miaghqua or Noon, as joint tenants, 5 sections of land upon the Wabash River, the centre of which shall be the Wyandot Village, below the mouth of Tippecanoe River.

To Francois Godfroy, 6 sections of land, on the Salamanie River, at a place called La Petite Prairie.

To Louis Godfroy, 6 sections of land, on the St. Mary's River, above the reservation of Anthony Shane.

To Charley, a Miami Chief, 1 section of land, on the West side of the St. Mary's River, below the section granted to Pemetché or the Crescent.

To the 2 eldest children of Peter Langlois, 2 sections of land, at a place formerly called Village du Puant, at the mouth of the River called Pouceaupichoux.

To the children of Antoine Bondie, 2 sections of land, on the border of the Wabash River, opposite a place called l'Isle à l'Aille.

To François Lafontaine and his son, 2 sections of land, adjoining and above the 2 sections granted to Jean Bapt. Richardville, near Fort Wayne, and on the same side of the St. Mary's River.

To the children of Antoine Rivarre, 2 sections of land, at the mouth of the 27 mile Creek, and below the same.

To Peter Langlois' youngest child, 1 section of land, opposite the Chipaille, at the Shawanee Village.

To Peter Labadie, 1 section of Land, on the River St. Mary's below the section granted to Charley.

To the son of George Hunt, 1 section of land, on the west side of the St. Mary's River, adjoining the 2 sections granted to François Lafontaine and his son.

To Meshenoqua, or the Little Turtle, 1 section of land, on the south side of the Wabash, where the portage path strikes the same.

To Josette Beaubien, 1 section of land on the left bank of the St. Mary's, above and adjoining the 3 sections granted to Jean Bapt. Richardville.

To Ann Turner, a half-blooded Miami, 1 section of land on the northwest side of the Wabash River, to commence at the mouth of Fork Creek, on the west bank of the said Creek, and running up the said Creek 1 mile in a direct line, thence at right angles with this line for quantity.

To Rebecca Hackley, a half-blooded Miami, 1 section of land, to be located at the Munsee Town, on White River, so that it shall extend on both sides to include 320 acres of the Prairie, in the bend of the River, where the bend assumes the shape of a horse shoe.

To William Wayne Wells, a half-blooded Miami, 1 section of land, at the mouth of the Fork Creek, where the reservation for Ann Turner commences, running down the Wabash River on the northwest bank 1 mile; thence, back 1 mile: thence, east 1 mile, to the boundary line of the grant to Ann Turner.

To Mary Wells, a half-blooded Miami, one section of land at the mouth of Stoney Creek, on the southeast side of the Wabash River, the centre of which shall be at the mouth of the said Creek, running with the meanders thereof, up and down the Wabash River $\frac{1}{2}$ mile, and thence back for quantity.

To Jane Turner Wells, a half-blooded Miami, 1 section of land, on the northwest side of the Wabash River, to commence on the west bank of the said River, opposite the old lime kiln; thence, down the said River 1 mile, and back for quantity.

IV. The Miami Nation of Indians assent to the Cession made by

the Kickapoos to The United States, by the Treaty concluded at Vincennes, on the 9th day of December, 1809.

V. In consideration of the cession and recognition aforesaid, The United States agree to pay to the Miami Nation of Indians, a perpetual annuity of 15,000 dollars, which, together with all annuities which, by any former Treaty, The United States have engaged to pay to the said Miami Nation of Indians, shall be paid in silver.

The United States will cause to be built for the Miamis 1 grist-mill and 1 saw-mill, at such proper sites as the Chiefs of the Nation may select, and will provide and support 1 Blacksmith and 1 Gunsmith for them, and provide them with such implements of agriculture as the proper Agent may think necessary.

The United States will also cause to be delivered annually to the Miami Nation, 160 bushels of salt.

VI. The several tracts of land which, by the IIIrd Article of this Treaty, The United States have engaged to grant to the Persons therein mentioned, except the tracts to be granted to Jean Bapt. Richardville, shall never be transferred by the said Persons or their heirs, without the approbation of the President of The United States.

This Treaty shall be obligatory on the Contracting Parties after the same shall be ratified by the President of The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners as aforesaid, and the Chiefs and Warriors of the Miami Nation of Indians, have hereunto set their hands at St. Mary's, the 6th day of October, in the year of our Lord 1818.

JONATHAN JENNINGS.

LEWIS CASS.

B. PARKE.

[Marks of 16 Indians.]

In the presence of

JAMES DILL, <i>Secretary to the</i>	WM. BRUNOT, <i>Lieut. 3rd Infantry.</i>
<i>Commissioners.</i>	WM. P. RATHBONE, <i>Army Con-</i>
WILLIAM TURNER, <i>Secretary.</i>	<i>tractor.</i>
JOHN JOHNSON, <i>Indian Agent.</i>	WM. OLIVER.
B. F. STICKNEY, <i>S. I. A.</i>	JOSEPH BENSON, <i>Sworn Interpreter.</i>
JOHN KENZIE, <i>Sub-Agent.</i>	<i>ter.</i>
G. GODFREY, <i>Sub-Agent.</i>	WM. CONNER, <i>Interpreter.</i>
JOHN CONNER.	ANTONY PRIDE, <i>Interpreter.</i>
JOHN F. SWAN, <i>Major 3rd U. S. Infantry.</i>	

Now, therefore, be it known, that I, James Monroe, President of The United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, ac-

cepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 15th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(7.)—*Treaty between The United States and the Wyandot Tribe of Indians.—Signed at St. Mary's, 20th September, 1818.*

JAMES MONROE, *President of The United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty between the United States of America, and the Wyandot Tribe of Indians, was made and concluded at St. Mary's, in the State of Ohio, on the 20th day of September, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Tribe, on the part and behalf of the said Tribe, which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded, at St. Mary's, in the State of Ohio, between Lewis Cass, Commissioner of The United States, thereto specially authorized by the President of The United States, and the Chiefs and Warriors of the Wyandot Tribe of Indians.

ART. I. The Wyandot Tribe of Indians hereby cede to The United States all the right reserved to them in 2 tracts of land, in the Territory of Michigan, 1 including the Village called Brownstown, and the other the Village called Maguagua, formerly in the possession of the Wyandot Tribe of Indians, containing in the whole not more than 5,000 acres of Land ; which 2 tracts of land were reserved for the use of the said Wyandot Tribe of Indians and their descendants, for the term of 50 years, agreeably to the provisions of the Act of Congress, passed February 28, 1809, and entitled " An Act for the Relief of certain Alabama and Wyandot Indians."

II. In consideration of the preceding Cession, The United States will reserve, for the use of the said Wyandot Indians, Sections numbered 23, 24, 25, 26, 34, 35, 36, 27, and that part of Section numbered 22, which contains 8 acres, and lies on the south side of the River Huron, being in the 4th Township, south of the Base Line, and in the 9th range east of the 1st Meridian, in the Territory of Michigan, and containing 4,996 acres ; and the said tract of land shall be re-
[1817—18.]

served for the use of the said Wyandot Indians and their descendants, and be secured to them in the same manner, and on the same terms and conditions, as is provided in relation to the Alabama Indians, by the 1st Section of the before-mentioned Act of Congress, except that the said Wyandot Indians, and their descendants shall hold the said land so long as they or their descendants shall occupy the same.

In testimony whereof the said Lewis Cass, Commissioner as aforesaid, and the Chiefs and Warriors of the said Wyandot Tribe of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this 20th day of September, in the year of our Lord 1818.

LEWIS CASS.

[Marks of 8 Indians.]

In the presence of

R. A. FORSYTH, JUN. *Secretary* W. W. WALKER, *Interpreter.*
to the Commissioners. JOHN CONNER.

JOHN JOHNSON, *Indian Agent.* WM. TURNER.

B. F. STICKNEY, *S. I. A.*

Now, therefore, be it known, that I, James Monroe, President of of The United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 7th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(8.)—*Treaty between The United States and the Wea Tribe of Indians.*
—*Signed at St. Mary's, 2nd October, 1818.*

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty between The United States of America and the Wea Tribe of Indians, was made and concluded, at St. Mary's, on the 2nd day of October, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Sachems, Chiefs, and Warriors, of the said Tribe, on the part and in behalf of the said Tribe ; which Treaty is in the words following, to wit :

Articles of a Treaty made and concluded, at St. Mary's, between The United States of America, by their Commissioners, Jonathan Jennings, Lewis Cass, and Benjamin Parke, and the Wea Tribe of Indians.

ART. I. The said Wea Tribe of Indians agree to cede to The United States all the Lands claimed and owned by the said Tribe, within the limits of the States of Indiana, Ohio, and Illinois.

II. The said Wea Tribe of Indians reserve to themselves the following described tract of Land, viz.: Beginning at the mouth of Racoon Creek; thence, by the present Boundary Line, 7 miles; thence, north-easterly, 7 miles to a point 7 miles from the Wabash River; thence to the Wabash River, by a Line parallel to the present Boundary Line aforesaid; and thence, by the Wabash River, to the place of beginning: to be holden by the said Tribe as Indian reservations are usually held.

III. The United States agree to grant to Christmas Dageny and Mary Shields, formerly Mary Dageny, children of Mechinquamesha, sister of Jaceo, a Chief of the said Tribe, and their heirs, 1 section of land each; but the land hereby granted shall not be conveyed or transferred to any Person or Persons, by the Grantees aforesaid, or their heirs, or either of them, but with the consent of the President of The United States.

IV. The said Wea Tribe of Indians accede to, and sanction the cession of land made by the Kickapoo Tribe of Indians, in the 2nd Article of a Treaty concluded between The United States and the said Kickapoo Tribe, on the 9th day of December, 1809.

V. In consideration of the cession made in the foregoing Articles of this Treaty, The United States agree to pay to the said Wea Tribe of Indians, 1,850 dollars annually, in addition to the sum of 1,150 dollars, (the amount of their former annuity,) making a sum total of 3,000 dollars; to be paid in silver, by The United States, annually, to the said Tribe, on the reservation described by the IIInd Article of this Treaty.

In testimony whereof the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, Commissioners as aforesaid, and the Sachems, Chiefs, and Warriors, of the Wea Tribe of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this 2nd day of October, in the year of our Lord, 1818.

JONATHAN JENNINGS.

LEWIS CASS.

B. PARKE.

[Marks of 9 Indians.]

In presence of,

JAMES DILL, <i>Secretary to the</i>	JOSEPH BARRON, <i>Interpreter.</i>
<i>Commissioners.</i>	JOHN T. CHUN, <i>Major 3rd</i>
WM. TURNER, <i>Secretary.</i>	<i>Infantry.</i>
JOHN JOHNSTON, <i>Indian Agent.</i>	J. HACKLEY, <i>Capt. 3rd Infantry.</i>
WILLIAM PRINCE, <i>Indian Agent.</i>	BENEDICT JH. FLAGET, <i>Bishop</i>
B. F. STICKNEY, <i>S. I. A.</i>	<i>of Bardstown.</i>
JOHN CONNER.	

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 7th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L. S.)

JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(9.)—*Treaty between The United States and the Peoria and other Tribes of Indians.—Signed at Edwardsville, 25th September, 1818.*

JAMES MONROË, *President of the United States of America,*
TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING:

WHEREAS, a Treaty between the United States of America and the Peoria, Kaskaskia, Mitchigamia, Cahokia, and Tamarois, Tribes of the Illinois Nation of Indians, was concluded and signed, at Edwardsville, in the State of Illinois, on the 25th day of September, in the year of our Lord 1818, by Commissioners on the part of the said United States, Chiefs and Warriors of the said Tribes, on the part and in behalf of the said Tribes; which Treaty is in the words following, to wit:

A Treaty, made and concluded by, and between, Ninian Edwards and Auguste Chouteau, Commissioners on the part and behalf of the United States of America, of the one part, and the undersigned, Principal Chiefs and Warriors of the Peoria, Kaskaskia, Mitchigamia, Cahokia, and Tamarois, Tribes of the Illinois Nation of Indians, on the part and behalf of the said Tribes, of the other part.

Whereas, by the Treaty made at Vincennes, on the 13th day of August, in the year of our Lord 1803, between The United States, of

the one part, and the Head Chiefs and Warriors of the Tribe of Indians commonly called the Kaskaskia Tribe, but which was composed of, and rightfully represented, the Kaskaskia Mitchigamia, Cahokia, and Tamarois, Tribes of the Illinois Nation of Indians, of the other part, a certain tract of land was ceded to The United States, which was supposed to include all the land claimed by those respective Tribes, but which did not include, and was not intended to include, the land which was rightfully claimed by the Peoria Indians, a Tribe of the Illinois Nation, who then did, and still do, live separate and apart from the Tribes abovementioned, and who were not represented in the Treaty referred to above, nor ever received any part of the consideration given for the cession of land therein mentioned: And whereas the said Tribe of Peoria are now also disposed to cede all their land to The United States, and, for the purpose of avoiding any dispute with regard to the Boundary of their claim, are willing to unite with the Kaskaskia, Mitchigamia, Cahokia, and Tamarois, Tribes, in confirming the cession of land to The United States, which was made by the Treaty above referred to, and in extending the cession so as to include all the land claimed by those Tribes, and themselves, respectively :

ART. I. For which purpose the undersigned, Head Chiefs and Warriors of the Peoria, Kaskaskia, Mitchigamia, Cahokia, and Tamarois, Tribes of the Illinois Nation of Indians, for the considerations hereinafter mentioned, do hereby relinquish, cede, and confirm, to The United States, all the Land included within the following Boundaries, viz : Beginning at the confluence of the Ohio and Mississippi Rivers ; thence up the Ohio, to the mouth of Saline Creek, about 12 miles below the mouth of the Wabash ; thence, along the dividing ridge between the waters of the said Creek and the Wabash, to the general dividing ridge between the waters which fall into the Wabash, and those which fall into the Kaskaskia River ; thence, along the said ridge, until it reaches the waters which fall into the Illinois River ; thence, a direct line to the confluence of the Kankakee and Maple Rivers ; thence, down the Illinois River, to its confluence with the Mississippi River, and down the latter to the beginning.

II. It is mutually agreed, by the Parties hereto, that all the Stipulations contained in the Treaty above referred to, shall continue binding and obligatory on both Parties.

III. The United States will take the Peoria Tribe, as well as the other Tribes hereinabove mentioned, under their immediate care and patronage, and will afford them a protection as effectual, against any other Indian Tribes, and against all other Persons whatever, as is enjoyed by the Citizens of The United States. And the said Peoria Tribe do hereby engage to refrain from making War, or giving any insult or offence, to any other Indian Tribe, or to any Foreign Nation,

without first having obtained the approbation and consent of The United States.

IV. In addition to 2,000 dollars worth of merchandize, this day paid to the abovementioned Tribes of Indians, the receipt whereof is hereby acknowledged, The United States promise to pay to the said Peoria Tribe, for the term of 12 years, an annuity of 300 dollars, in money, merchandize, or domestic animals, at the option of the said Tribe, to be delivered at the Village of St. Genevieve, in the Territory of Missouri.

V. The United States agree to cede to the said Peoria Tribe, 640 acres of land, including their Village on Blackwater River, in the Territory of Missouri, provided that the said tract is not included within a private claim; but should that be the case, then some other tract of equal quantity and value shall be designated for said Tribe, at such Place as the President of The United States may direct. And the said Peoria Tribe hereby agrees to accept the same, together with the presents now given them, and the annuity hereby promised them, as a full equivalent for all and every tract of land to which they have any pretence of right or title.

In testimony whereof, the Commissioners aforesaid, and the undersigned Chiefs and Warriors as aforesaid, have hereunto subscribed their Names and affixed their Seals. Done at Edwardsville, in the State of Illinois, this 25th day of September, in the year of our Lord, 1818, and of the Independence of The United States, the 43rd,

(L. S.)

„NINIAN EDWARDS.

(L. S.)

AUG. CHOUTEAU.

[Marks of 11 Peorias.]

[Marks of 4 Kaskaskias.]

[Marks of 3 Mitchigamias.]

[Marks of 5 Cahokias.]

[Marks of 2 Tamarois.]

In the presence of

PASCAL CERRE, *Secretary to the*
Commissioners.

ABRAHAM PRICKETT.

B. STEPHENSON.

JOHN M'KEE.

JOSEPH CONWAY.

JOSIAS RANDLE.

EBENEZER BALDWIN.

REUBEN H. WALWORTH.

WILLIAM SWETTAUD.

JOHN KAIN.

R. PULLIAM.

JOHN GAITHER.

N. BUCKNETT.

JACOB PRICKETT.

JOHN WILSON.

WILLIAM P. M'KEE.

JAMES WATTS.

JOHN HOWARD.

RICHARD BREEVOOFIELD.

ROBERT BOGUE.

JAMES MASON.

JOHN SHINN, Jun.

JOHN H. RANDLE.

EDMUND RANDLE.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified and confirmed, the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 5th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(10.)—*Treaty between The United States and the Quapaw Tribe or Nation of Indians.—Signed at St. Louis, 24th August, 1818.*

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Friendship, Cession, and Limits, between the United States of America and the Quapaw Tribe or Nation of Indians, was concluded and signed at St. Louis, on the 24th day of August, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Tribe or Nation, on the part and in behalf of the said Tribe; which Treaty is in the words following, to wit :

A Treaty of Friendship, Cession, and Limits, made and entered into, this 24th day of August, 1818, by and between William Clark and Auguste Chouteau, Commissioners on the part and behalf of The United States, of the one part, and the undersigned Chiefs and Warriors, of the Quapaw Tribe or Nation, on the part and behalf of their said Tribe or Nation, of the other part.

ART. I. The undersigned Chiefs and Warriors, for themselves and their said Tribe or Nation, do hereby acknowledge themselves to be under the protection of The United States, and of no other State, Power, or Sovereignty, whatsoever.

II. The undersigned Chiefs and Warriors, for themselves and their said Tribe or Nation, do hereby, for and in consideration of the promises and stipulations hereinafter named, cede and relinquish to The United States, for ever, all the Lands within the following Boundaries, viz: Beginning at the mouth of the Arkansaw River; thence, extending up the Arkansaw to the Canadian Fork, and up the Canadian Fork to its source; thence south, to Big Red River, and down

the middle of that river, to the Big Raft; thence, a direct line, so as to strike the Mississippi River, 30 leagues in a straight line, below the mouth of Arkansaw; together with all their claims to Land east of the Mississippi, and north of the Arkansaw River, included within the coloured lines 1, 2, and 3, on the accompanying map, with the exception and reservation following, that is to say, the tract of Country bounded as follows: Beginning at a point on the Arkansaw River, opposite the present post of Arkansaw, and running thence, a due south-west course to the Washita River; thence, up that river to the Saline Fork; and up the Saline Fork to a point, from whence a due north course would strike the Arkansaw River at the Little Rock; and thence, down the right bank of the Arkansaw, to the place of beginning; which said tract of Land, last above designated and reserved, shall be surveyed and marked off, at the expense of The United States, as soon as the same can be done with convenience, and shall not be sold or disposed of by the said Quapaw Tribe or Nation, to any Individual whatever, nor to any State or Nation, without the approbation of The United States first had and obtained.

III. It is agreed, between The United States and the said Tribe or Nation, that the Individuals of the said Tribe or Nation shall be at liberty to hunt within the Territory by them ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the Citizens of The United States, and until the said United States may think proper to assign the same, or any portion thereof, as hunting grounds to other friendly Indians.

IV. No Citizen of the United States, or any other Person, shall be permitted to settle on any of the Lands hereby allotted to, and reserved for, the said Quapaw Tribe or Nation, to live and hunt on; yet it is expressly understood and agreed on, by and between the Parties aforesaid, that, at all times, the Citizens of the United States shall have the right to travel and pass freely, without toll or exaction, through the Quapaw reservation, by such roads or routes as now are, or hereafter may be, established.

V. In consideration of the Cession and Stipulations aforesaid, The United States do hereby promise and bind themselves to pay and deliver to the said Quapaw Tribe or Nation, immediately upon the execution of this Treaty, goods and merchandise to the value of 4,000 dollars, and to deliver, or cause to be delivered, to them, yearly, and every year, goods and merchandise to the value of 1,000 dollars, to be estimated in the City or Place, in The United States, where the same are procured or purchased.

VI. Lest the friendship which now exists between The United States and the said Tribe or Nation, should be interrupted by the misconduct of Individuals, it is hereby agreed, that, for injuries done by Individuals, no private revenge or retaliation shall take place; but, in-

stead thereof, complaints shall be made by the Party injured, to the other; by the Tribe or Nation aforesaid, to the Governor, Superintendent of Indian Affairs, or some other Person authorized and appointed for that purpose; and by the Governor, Superintendent, or other Person authorized, to the Chiefs of the said Tribe or Nation. And it shall be the duty of the said Tribe or Nation, upon complaint being made, as aforesaid, to deliver up the Person or Persons, against whom the complaint is made, to the end that he or they may be punished, agreeably to the Laws of the State or Territory where the offence may have been committed; and, in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians, belonging to the said Tribe or Nation, the Person or Persons so offending shall be tried, and, if found guilty, punished in like manner as if the injury had been done to a White man. And it is further agreed, that the Chiefs of the said Tribe or Nation shall, to the utmost of their power, exert themselves to recover horses, or other property, which may be stolen from any Citizen or Citizens of The United States, by any Individual or Individuals of the said Tribe or Nation; and the property so recovered, shall be forthwith delivered to the Governor, Superintendent, or other Person authorized to receive the same, that it may be restored to the proper Owner. And in cases where the exertions of the Chiefs shall be ineffectual in recovering the property stolen, as aforesaid, if sufficient proof can be obtained that such property was actually stolen by an Indian or Indians, belonging to the said Tribe or Nation, a sum, equal to the value of the property which has been stolen, may be deducted, by The United States, from the annuity of said Tribe or Nation. And The United States hereby guaranty to the Individuals of the said Tribe or Nation, a full indemnification for any horse or horses, or other property, which may be taken from them by any of their Citizens: provided, the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a Citizen or Citizens of The United States.

VII. This Treaty shall take effect, and be obligatory on the Contracting Parties, as soon as the same shall have been ratified by the President of The United States, by and with the advice and consent of the Senate.

WM. CLARK.

AUG. CHOUTEAU:

[Marks of 13 Indians.]

Done at St. Louis, *in the presence of*

R. WASH, *Secretary to the Commission.*

R. PAUL, *Col. M. M. C. I.*

JN. RULAND, *Sub Agent, &c.*

JOSEPH BONNE, *Interpreter.*

JULIUS PESDAY.

STEPHEN JULIAN, *U. S. Indian Interpreter.*

R. GRAHAM, *Indian Agent.*

JAMES LOPER.

M. LEWIS CLARK.

WILLIAM P. CLARK.

J. T. HONORE, *Indian Interpreter.*

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 5th day of January, in the year of our Lord 1819, and of the Independence of The United States the 43rd.

By the President, (L S.) JAMES MONROE.
JOHN QUINCY ADAMS, *Secretary of State.*

(11.)—*Treaty between The United States and the Pawnee Marhar Tribe of Indians.—Signed at St. Louis, 22nd June, 1818.*

JAMES MONROE, *President of the United States of America,*
TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Peace and Friendship, between The United States of America and the Pawnee Marhar Tribe of Indians, was concluded and signed at St. Louis, on the 22nd day of June, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Tribe, on the part and in behalf of the said Tribe ; which Treaty is in the words following, to wit :

A Treaty of Peace and Friendship, made and concluded by and between William Clark and Auguste Chouteau, Commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the Undersigned Chiefs and Warriors of the Pawnee Marhar Tribe, on the part and behalf of their said Tribe, of the other part.

THE Parties, being desirous of establishing peace and friendship between The United States and the said Tribe, have agreed to the following Articles :

ART. I. Every injury or act of hostility, by one or either of the Contracting Parties, against the other, shall be mutually forgiven and forgotten.

II. There shall be perpetual peace and friendship between all the Citizens of the United States of America, and all the Individuals composing the said Pawnee Tribe.

III. The Undersigned Chiefs and Warriors, for themselves and their said Tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other Nation, Power, or Sovereign, whatsoever.

IV. The Undersigned Chiefs and Warriors, for themselves and the Tribe they represent, do moreover promise and oblige themselves to deliver up, or to cause to be delivered up, to the authority of The United States, (to be punished according to Law,) each and every Individual of the said Tribe, who shall, at any time hereafter, violate the Stipulations of the Treaty this day concluded between the said Pawnee Marhar Tribe and the said States.

In witness whereof the said William Clark and Auguste Chouteau, Commissioners as aforesaid, and the Chiefs and Warriors aforesaid, have hereunto subscribed their Names and affixed their Seals, this 22nd day of June, in the year of our Lord 1818, and of the Independence of The United States the 42nd.

(L. S.)

WM. CLARK.

(L. S.)

AUG. CHOUTEAU.

[Marks of 12 Indians.]

Done at St. Louis, in the presence of

R. WASH, <i>Secretary to the Com-</i>	JOHN RULAND, <i>Sub-Agent.</i>
<i>mission.</i>	<i>Trans'r, &c.</i>
R. GRAHAM, <i>I. A. Illinois Terri-</i>	A. L. PAPIN, <i>Interpreter.</i>
<i>tory.</i>	I. T. HONORE, <i>Ind. Interpreter.</i>
JOHN O. FALLON, <i>Captain Rifle</i>	I. JULIAN, <i>U.S. Indian Interpreter.</i>
<i>Regiment.</i>	WIM. GRAYSON.
R. PAUL, <i>Colonel M. M. C.</i>	JOSIA RAMSEY.
<i>Interpreter.</i>	JOHN ROBEDOUT.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

. In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 5th day of January, in the year of our Lord 1819; and of the Independence of The United States the 43rd.

(L. S.)

JAMES MONROE.

*By the President,*JOHN QUINCY ADAMS, *Secretary of State.*

(12.)—*Treaty between The United States and the Pitavirate Noisy Pawnee Tribe of Indians.*—Signed at St. Louis, 19th June, 1818.

JAMES MONROE, President of the United States of America,
TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Peace and Friendship between the United States of America and the Pitavirate Noisy Pawnee Tribe of Indians, was made and concluded, at St. Louis, on the 19th day of June, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Tribe, on the part and in behalf of the said Tribe; which Treaty is in the words following, to wit:

A Treaty of Peace and Friendship, made and concluded by and between William Clark and Auguste Chouteau, Commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned, Chiefs and Warriors of the Pitavirate Noisy Pawnee Tribe, on the part and behalf of their said Tribe, of the other part.

The Parties, being desirous of establishing Peace and Friendship between The United States and the said Tribe, have agreed to the following Articles:

ART. I. Every injury or act of hostility by one or either of the Contracting Parties, against the other, shall be mutually forgiven and forgotten.

II. There shall be perpetual peace and friendship between all the Citizens of The United States of America, and all the Individuals composing the said Noisy Pawnee Tribe.

III. The undersigned Chiefs and Warriors, for themselves and their said Tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other Nation, Power, or Sovereign, whatsoever.

IV. The undersigned Chiefs and Warriors, for themselves and the Tribe they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the Authority of The United States, (to be punished according to Law,) each and every Individual of the said Tribe, who shall, at any time thereafter, violate the Stipulations of the Treaty this day concluded between the said Noisy Pawnee Tribe and the said States.

In witness whereof the said William Clark and Auguste Chouteau Commissioners as aforesaid, and the Chiefs and Warriors aforesaid

have hereunto subscribed their Names, and affixed their Seals, this 19th day of June, in the year of our Lord 1818, and of the Independence of The United States the 42nd.

(L.S.)

WM. CLARK.

(L.S.)

AUG. CHOUTEAU.

[Marks of 9 Indians.]

Done at St. Louis, in the presence of

R. WASH, *Secretary to the Commission.*A. L. PAPIN, *Interpreter, Inds.*I. T. HONORE, *Ind. Interpreter.*R. PAUL, *Col. M. M. C. Interpreter.*S. JULIAN, *U. S. Ind. Interpreter.*R. GRAHAM, *I. Agent, Illinois Territory.*

JOSIAH RAMSEY.

WILLIAM GRAYSON.

JOHN O. FALLON, *Capt. R. Regt.*

JOHN ROBEDOUT.

JOHN RULAND, *S. Agent, Trans. &c.*

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, and have signed the same with my hand. Done at the City of Washington, this 7th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L.S.)

JAMES MONROE.

*By the President,*JOHN QUINCY ADAMS, *Secretary of State.*

(13.)—*Treaty between The United States and the Pawnee Republic of Indians.—Signed at St. Louis, 20th June, 1818.*

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Peace and Friendship, between The United States of America, and the Pawnee Republic, was concluded and signed at St. Louis, on the 20th day of June, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Republic, on the part and in behalf of the said Republic; which Treaty is in the words following, to wit :

A Treaty of Peace and Friendship, made and concluded by and between William Clark and Auguste Chouteau, Commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the Undersigned, Chiefs and Warriors of the Pawnee Republic, on the part and behalf of their Tribe, of the other part.

THE Parties, being desirous of establishing peace and friendship between The United States and the said Tribe, have agreed to the following Articles:

ART. I. Every injury or act of hostility, by one or either of the Contracting Parties, against the other, shall be mutually forgiven and forgotten.

II. There shall be perpetual peace and friendship between all the Citizens of the United States of America, and all the Individuals composing the said Pawnee Tribe.

III. The undersigned Chiefs and Warriors, for themselves and their said Tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other Nation, Power, or Sovereign, whatsoever.

IV. The Undersigned Chiefs and Warriors, for themselves and the Tribe they represent, do moreover promise and oblige themselves to deliver up, or to cause to be delivered up, to the Authority of The United States, (to be punished according to Law,) each and every Individual of the said Tribe who shall, at any time hereafter, violate the Stipulations of the Treaty this day concluded between the said Pawnee Republic and the said States.

In witness whereof the said William Clark and Auguste Chouteau, Commissioners as aforesaid, and the Chiefs and Warriors aforesaid, have hereunto subscribed their names and affixed their Seals, this 20th day of June, in the year of our Lord 1818, and of the Independence of The United States the 42nd.

(L. S.)

WM. CLARK.

(L. S.)

AUG. CHOUTEAU.

[Marks of 7 Indians.]

Done at St. Louis, in the presence of

R. WASH, *Secretary to the Commission.*

A. L. PAPIN, *Interpreter.*

J. T. HONORE, *Ind. Interpreter.*

R. PAUL, *Col. M. M. C. Interpreter.*

S. JULIAN, *U. S. Ind. Interpreter.*

WM. GRAYSON.

R. GRAHAM, *I. A. Ill. Ter.*

JOSIAH RAMSEY.

JOHN O. FALLON, *Capt. R. Regt.*

JOHN ROBODOUT.

JOHN RULAND, *Sub-Agt. Trans'r,*
&c.

Now, therefore, be it known, that I, James Monroe, President of The United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, and have signed the same with my hand. Done at the City of Washington, this 7th day of January, in the year of our Lord 1819, and in the 43rd year of American Independence.

(L. S.)

JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

(14.)—*Treaty between The United States and the Grand Pawnee Tribe of Indians.—Signed at St. Louis, 18th June, 1818.*

JAMES MONROE, *President of The United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Peace and Friendship, between the United States of America and the Grand Pawnee Tribe of Indians, was made and concluded, at St. Louis, on the 18th day of June, in the year of Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs and Warriors of the said Tribe, on the part and in behalf of the said Tribe; which Treaty is in the words following, to wit:

A Treaty of Peace and Friendship, made and concluded by and between Wm. Clark and Auguste Chouteau, Commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned Chiefs and Warriors of the Grand Pawnee Tribe, on the part and behalf of the said Tribe, of the other part.

THE Parties, being desirous of establishing Peace and Friendship between The United States and the said Tribe, have agreed to the following Articles :

ART. I. Every injury or act of hostility, by one or either of the Contracting Parties against the other, shall be mutually forgiven and forgotten.

II. There shall be perpetual peace, and friendship between all the Citizens of the United States of America, and all the Individuals composing the said Grand Pawnee Tribe.

III. The undersigned Chiefs and Warriors, for themselves and their said Tribe, do hereby acknowledge themselves to be under the protection of The United States of America, and of no other Nation, Power, or Sovereign, whatsoever.

IV. The undersigned Chiefs and Warriors, for themselves and the

Tribes they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the Authority of The United States, (to be punished according to law,) each and every Individual of the said Tribe, who shall at any time hereafter, violate the Stipulations of the Treaty this day concluded between the said Tribe and the said United States.

In witness whereof the said William Clark and Auguste Chouteau, Commissioners as aforesaid, and the said Chiefs and Warriors as aforesaid, have hereunto subscribed their Names and affixed their Seals, this 18th day of June, in the year of our Lord 1818, and of the Independence of The United States the 42d.

(L. S.)

WM. CLARK.

(L. S.)

AUG. CHOUTEAU.

[Marks of 16 Indians.]

Done at St. Louis, in the presence of

R. WASH, *Secretary to the Com-* WM. GRAYSON.
mission.

I. T. HONORE, *Interpreter.*R. PAUL, *Col. M. M.*STEPHEN JULIAN, *U. S. Inter-*JOHN O. FALLON, *Capt. R. R.**preter.*JOHN RULAND, *Sub-Agent and*

JOSIAH RAMSEY.

Trans, &c.

JOHN ROBEDOUT.

A. L. PAPIN, *Interpreter.*

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, this 7th day of January, in the year of our Lord, 1819, and in the 43d year of American Independence.

By the President,

(L. S.)

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

(15.)—*Treaty between The United States and the Osage Nations of Indians.—Signed at St. Louis, 25th September, 1818.*

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS MAY COME, GREETING.

WHEREAS a Treaty was made and concluded, between the United States of America and the Great and Little Osage Nations of Indians, at St. Louis, on the 25th day of September, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain considerate men, Chiefs and Warriors, of all the several Bands of the said Nation, on the part and in behalf of the said Nation; which Treaty is in the words following, to wit:

A Treaty made and concluded by and between William Clark, Governor of the Missouri Territory, Superintendent of Indian Affairs, and Commissioner in behalf of The United States, of the one part; and a full and complete Deputation of considerate Men, Chiefs, and Warriors, of all the several Bands of the Great and Little Osage Nations, assembled in behalf of their said Nations, of the other part; who have agreed to the following Articles:

ART. I. Whereas the Osage Nations have been embarrassed by the frequent demands for property taken from the Citizens of The United States, by War Parties, and other thoughtless men of their several Bands, (both before and since their War with the Cherokees,) and as the exertions of their Chiefs have been ineffectual in recovering and delivering such property, conformably with the condition of the IXth Article of a Treaty, entered into with The United States, at Fort Clark, the 10th of November, 1808; and as the deductions from their annuities, in conformity to the said Article, would deprive them of any for several years, and being destitute of funds to do that justice to the Citizens of The United States which is calculated to promote a friendly intercourse; they have agreed, and do hereby agree, to cede to The United States, and for ever quit claim to, the tract of Country included within the following Bounds, to wit: Beginning at the Arkansaw River, at where the present Osage Boundary Line strikes the River at Frog Bayou; then up the Arkansaw and Verdigris, to the Falls of Verdigris River: thence eastwardly, to the said Osage Boundary Line, at a point 20 leagues north from the Arkansaw River; and, with that line, to the place of beginning.

II. The United States, on their part, and in consideration of the above cession, agree, in addition to the amount which the Osages do now receive in money and goods, to pay their own Citizens the full value of such property as they can legally prove to have been stolen or destroyed by the said Osages, since the year 1814, provided the same does not exceed the sum of 4,000 dollars.

III. The Articles now stipulated will be considered as permanent additions to the Treaties, now in force, between the Contracting Parties, as soon as they shall have been ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In witness whereof the said William Clark, Commissioner as aforesaid, and the considerate Men and Chiefs aforesaid, have hereunto subscribed their Names, and affixed their Seals, at St. Louis, this 25th day of September, in the year of our Lord 1818, and of the Independence of The United States the 43rd.

(L. S.)

WILLIAM CLARK.

[Marks of 45 Indians.]

Signed, sealed, and delivered, *in the presence of*

PIERRE CHOUTEAU.

PAUL LOISE, *Interpreter, Osage.*

PIERRE MENARD, *Ind. Agent.*

I. T. HONORE, *Indian Interpreter.*

JOHN RULAND, *Sub-Agent.*

ter.

P. L. CHOTEAU, *Interpreter.*

MERIWETHER LEWIS CLARK.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same and every Clause and Article thereof.

In testimony whereof I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand. Done at the City of Washington, the 7th day of January, in the year of our Lord 1819, and of the Independence of The United States the 43rd.

(L. S.)

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

(16.)—*Treaty between The United States and the Chickasaw Nation of Indians.—Signed at Old Town, 19th October, 1818.*

JAMES MONROE, *President of the United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME;

GREETING:

WHEREAS a Treaty between the United States of America and the Chickasaw Nation of Indians, was concluded and signed at the Treaty Ground, East of Old Town, on the 19th day of October, in the year of our Lord 1818, by Commissioners on the part of the said United States, and certain Chiefs, Head Men, and Warriors, of the whole of the said Chickasaw Nation, on the part and in behalf of the said Nation; which Treaty is in the words following, to wit:

To settle all Territorial controversies, and to remove all ground of complaint or dissatisfaction, that might arise to interrupt the peace and harmony which have so long and so happily existed between the United States of America and the Chickasaw Nation of Indians, James Monroe, President of the said United States, by Isaac Shelby and Andrew Jackson, of the one part, and the whole Chickasaw Nation, by their Chiefs, Head Men, and Warriors, in full Council assembled, of the other part, have agreed on the following Articles; which, when ratified by the President and Senate of the United States of America, shall form a Treaty binding on all Parties.

ART. I. Peace and friendship are hereby firmly established and made perpetual, between the United States of America and the Chickasaw Nation of Indians.

II. To obtain the object of the foregoing Article, the Chickasaw Nation of Indians cede to the United States of America (with the exception of such reservation as shall be hereafter mentioned,) all claim or title which the said Nation has to the land lying North of the South Boundary of the State of Tennessee, which is bounded South by the 35th degree of North Latitude, and which lands, hereby ceded, lie within the following Boundaries, viz.: Beginning on the Tennessee River, about 35 miles by water, below Colonel George Colbert's ferry, where the 35th degree of North Latitude strikes the same; thence due West with said degree of North Latitude, to where it cuts the Mississippi River, at or near the Chickasaw Bluffs; thence, up the said Mississippi River, to the mouth of the Ohio; thence up the Ohio River, to the mouth of Tennessee River; thence up the Tennessee River, to the place of beginning.

III. In consideration of the relinquishment of claim and cession of lands in the preceding Article, and to perpetuate the happiness of the Chickasaw Nation of Indians, the Commissioners of The United States, before named, agree to allow the said Nation the sum of 20,000 dollars per annum, for 15 successive years, to be paid annually, and, as a further consideration for the objects aforesaid, and at the request of the Chiefs of the said Nation, the Commissioners agree to pay Captain John Gordon, of Tennessee, the sum of 1,115 dollars, it being a debt due by General William Colbert, of said Nation, to the aforesaid Gordon; and the further sum of 2,000 dollars, due by said Nation of Indians, to Captain David Smith, now of Kentucky, for that sum by him expended, in supplying himself and 45 soldiers from Tennessee, in the year 1795, when assisting them, (at their request and invitation,) in defending their Towns against the invasion of the Creek Indians, both which sums (on the application of the said Nation,) are to be paid within 60 days after the Ratification of this Treaty, to the aforesaid Gordon and Smith.

IV. The Commissioners agree, on the further and particular application of the Chiefs, and for the benefit of the Poor and Warriors of the said Nation, that a tract of land, containing 4 miles square, to include a salt lick or springs, on or near the River Sandy, a branch of the Tennessee River, and within the land hereby ceded, be reserved, and to be laid off in a square or oblong, so as to include the best timber, at the option of their beloved Chief, Levi Colbert, and Major James Brown, or either of them, who are hereby made Agents and Trustees for the Nation, to lease the said salt lick or springs, on the following express conditions, viz. for the benefit of this reservation, as before recited, the Trustees or Agents are bound to lease the said reservation to some Citizen or Citizens of The United States, for a reasonable quantity of salt, to be paid annually to the said Nation, for the use thereof; and that, from and after 2 years after the Ratification of this Treaty, no salt,

made at the Works to be erected on this reservation, shall be sold within the limits of the same for a higher price than 1 dollar per bushel of 50 pounds weight, on failure of which the Lease shall be forfeited, and the reservation revert to The United States.

V. The Commissioners agree, that there shall be paid to Oppassantubby, a principal Chief of the Chickasaw Nation, within 60 days after the Ratification of this Treaty, the sum of 500 dollars, as a full compensation for the reservation of 2 miles square, on the North side of Tennessee River, secured to him and his heirs by the Treaty held with the said Chickasaw Nation, on the 20th day of September, 1816; and the further sum of 25 dollars to John Lewis, a half-breed, for a saddle he lost while in the service of The United States; and, to show the regard the President of The United States has for the said Chickasaw Nation, at the request of the Chiefs of the said Nation, the Commissioners agree that the sum of 1,089 dollars shall be paid to Major James Colbert, Interpreter, within the period stated in the first part of this Article, it being the amount of a sum of money taken from his pocket, in the month of June, 1816, at the theatre in Baltimore. And the said Commissioners, as a further regard for said Nation, do agree that the reservations made to George Colbert and Levi Colbert, in the Treaty held at the Council-house of said Nation, on the 20th day of September, 1816, the first to Colonel George Colbert, on the north side of Tennessee River, and those to Major Levi Colbert, on the east side of the Tombigby River, shall endure to the sole use of the said Colonel George Colbert, and Major Levi Colbert, their heirs and assigns, for ever, with their butts and bounds, as defined by said Treaty and agreeable to the marks and boundaries as laid off and marked by the Surveyor of The United States, where that is the case, and where the reservations have not been laid off and marked by a Surveyor of The United States, the same shall be so done as soon after the Ratification of this Treaty as practicable, on the application of the Reserves, or their legally appointed Agent under them, and agreeably to the definition in the before recited Treaty. This Agreement is made on the following express conditions: that the said land, and those living on it, shall be subject to the Laws of The United States, and all legal taxation that may be imposed on the land or Citizens of The United States inhabiting the Territory where said land is situate. The Commissioners further agree, that the reservation secured to John McCleish, on the North side of Tennessee River, by the before-recited Treaty, in consequence of his having been raised in the State of Tennessee, and marrying a White Woman, shall endure to the sole use of the said John McCleish, his heirs and assigns, for ever, on the same conditions attached to the lands of Colonel George Colbert and Major Levi Colbert, in this Article.

VI. The 2 Contracting Parties covenant and agree, that the line

of the South Boundary of the State of Tennessee, as described in the IInd Article of this Treaty, shall be ascertained and marked by Commissioners appointed by the President of The United States; that the marks shall be bold; the trees shall be blazed on both sides of the line, and the fore and aft trees marked U. S.; and that the Commissioners shall be attended by 2 Persons, to be designated by the Chickasaw Nation; and the said Nation shall have due and seasonable notice when said operation is to be commenced. It is further agreed by the Commissioners, that for all improvements actually made by Individuals of the Chickasaw Nation, which shall be found within the lands ceded by this Treaty, a fair and reasonable compensation shall be paid therefor, to the respective Individuals having made or owned the same.

VII. In consideration of the friendly and conciliatory disposition evinced during the Negotiation of this Treaty, by the Chickasaw Chiefs and Warriors, but more particularly as a manifestation of the friendship and liberality of the President of The United States, the Commissioners agree to give, on the Ratification of this Treaty, to Chinnubby, King of the Chickasaw Nation, to Teshuamingo, William M'Gilvery, Anpassantubby, Samuel Seely, James Brown, Levi Colbert, Ickaryoucuttaha, George Pettygrove, Immartarharmicco, Chickasaw Chiefs, and to Malculm M'Gee, Interpreter to this Treaty, each, 150 dollars, in cash; and to Major William Glover, Colonel George Colbert, Hopoyeahaummar, Immauklusharhopoyea, Tushkarhopoyea, Hopoyeahaummar, Jun. Immauklusharhopoyea, James Colbert, Coweamarthlar, Illachouwarhopoyea, Military Leaders, 100 dollars each; and do further agree, that any annuity heretofore secured to the Chickasaw Nation of Indians, by Treaty, to be paid in goods, shall hereafter be paid in cash.

In testimony whereof, the said Commissioners and undersigned Chiefs and Warriors, have set their hands and seals. Done at the Treaty Ground, East of Old Town, this 19th day of October, in the year of our Lord, 1818.

(L.S.)

ISAAC SHELBY.

(L.S.)

ANDREW JACKSON.

[Marks of 21 Indians.]

*In the presence of*ROBERT BUTLER, *Adjutant-General and Secretary.*TH. J. SHERBURNE, *Agent for the Chickasaw Nation of Indians.*MALCULM M'GEE, *Interpreter,*
his \times mark.

MARTIN COLBERT.

C. BRONAUGH, *Ass't. Insp. Gen.*

S. D.

THOS. H. SHELBY, of Kentucky.

R. K. CALL, *Capt. U. S. Army.*

BENJAMIN SMITH, of Kentucky.

RICHARD I. EASTER, *A. D. Q. M.*
Gen.

MS. B. WINCHESTER.

W. B. LEWIS.

Now, therefore, be it known, that I, James Monroe, President of

the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, and have signed the same with my hand.

Done at the City of Washington, this 7th day of January, in the year of our Lord, 1819, and in the 43rd year of American Independence.

(L.S.) JAMES MONROE.

By the President :

JOHN QUINCY ADAMS, *Secretary of State.*

DECREE of the King of Spain, relative to the establishment of a General System of Public Credit.—Madrid, 5th August, 1818.
(Translation.)

Our Lord the King has been pleased to address to me the following Royal Decree.

REFLECTING upon the antiquity and progress of the Debt of the State, and considering that the lapse of years, and even of centuries, and the greater or lesser flourishing circumstances of the Nation, during various periods of prosperity, have not only proved insufficient to extinguish or even to diminish it, but have equally failed in maintaining the Public Credit; I should have abandoned the all-important task of endeavouring to re-establish the latter,—had not the principles of immutable justice, appealed to by so many Creditors, the innocent victims of the promises of the Government, as well as a conviction that, if at all times Public Credit has contributed to the power of States, in modern policy it forms their surest basis, stimulated me to use my utmost exertions in investigating the real cause of so many evils, and in discovering an efficacious remedy for them. My efforts have proved successful: and, by means of the deliberations of my Councils of Castile and Finance, of information communicated by various Corporations and enlightened Individuals, of the labours of a Junta of Ministers appointed for this express object, of the observations addressed to me by you, in a Report touching this grave matter, and, lastly, of the discussions and well-founded opinions of my Council of State, all possible light has been thrown upon this difficult but deeply interesting question; while to myself the satisfaction has been afforded, of being convinced,—that the power and authority which secures, with all the rigour of the Law, the fulfilment of private Contracts between Individuals, requires that those entered into between them and the Government, should, at the same time, be fulfilled with justice and good faith, and by a due regard for the interests of the Community;—

all of which considerations constitute the necessity of a Supreme Law, from which, not even the exalted duties of the Government itself should be exempt. I am also convinced, that the irrefragable principles of such a Law are the only ones which could furnish those resources by which Public Credit can be created and maintained;—that if those principles be swerved from, the most abundant means will be insufficient for the exigencies of the State;—that nothing but the most strict and scrupulous observance of a system founded upon a solid basis, and established, by such a Supreme Law, in every branch of the public administration, can secure adequate funds for paying off the Debt, and for consolidating the Public Credit;—and lastly, that, in order to restore that Credit, I must imitate the wise and prudent conduct of some conscientious Person, who, when the reputation of his Establishment has been shaken by untoward and imperious circumstances, reduces his expenses within the closest limits, reforms the abuses in which his misfortunes partly originated, is watchful to prevent their recurrence, awakens throughout his Establishment an active zeal for increasing its resources, and manifests a continual desire to gain the confidence of his Creditors, by well-regulated Accounts, repeated proofs of good faith, and an unreserved explanation of his past conduct, his present situation and his future prospects.

These principles, which are the same as those declared in my Royal Decree of the 30th May, 1817, are the principles upon which I am firmly resolved to act, and which I will cause to be inviolably observed for the welfare and advantage of the great Spanish family, whose Father I have been constituted by Divine Providence. Although the violence of the political malady with which we have been afflicted, has hitherto prevented the wise and economical provisions recommended in that Decree, from producing their full effect; yet we may hope that, in time, for it is not in the power of man to obtain instantaneously the objects of his wishes, when the critical circumstances of the Country and the dictates of prudence shall permit, they will be duly accomplished. In the interim, the former unlimited and uncontrolled Expenditure shall be gradually diminished, and strictly confined within the bounds of necessity. The state of War, which has been the chief cause of the National Debt, shall be succeeded by a profound and permanent Peace,—it being my firm resolution faithfully to observe all Treaties, and to secure thereby harmony and friendship with every Nation of the Globe; the steady and effectual protection of the agriculture, industry, and commerce of my Subjects, which, as the sources of public and private wealth, claim my chief attention, will increase the national revenues, the scantiness of which has, hitherto, crippled my exertions on behalf of the Public Creditor; a previous knowledge of the fitness and integrity of all Persons employed in the Financial Administration, and a strict vigilance in

enforcing the proper discharge of their duties, will, by preventing abuses and speculation, augment the Royal Revenues; candour and perspicuity in drawing up the Annual Estimates of the Receipts and Expenditures, will secure that confidence which will form the peculiar characteristic of my reign, distinguished as it has already been from the reigns of my Royal Predecessors, not only by my not having burthened the Nation by either Foreign or Domestic Loans, but by my having diminished the Public Debt to a much greater extent than from the exhausted state of the Nation, and of the Royal Treasury, appeared to have been practicable; and, finally, the faithful and scrupulous application to the payment of the Debt, of such funds as are now or may hereafter be assigned for that purpose, will prove the sincerity of my promises, more particularly by establishing the most complete separation between the Boards of Public Credit and those of the Treasury General.

Such is the straight-forward and open course which it is my intention constantly to follow, in order to attain that great object of my wishes,—the re-establishment of Public Credit; whilst all those tortuous ways, which have hitherto led in an opposite direction, are abandoned. Then will those evils be remedied which now, so much afflict my paternal heart; and then will the State, which, in consequence of the loss of all confidence, by the non-fulfilment of the most solemn stipulations and engagements, could not, when under difficulties, find any assistance, except at the cost of immense sacrifices, which ultimately oppressed the People, recover its credit, and be enabled to command abundant resources, without incurring those exorbitant obligations which are always imposed when suspicion and mistrust prevail. In consequence of the prevalence of a totally different system, at the time when my Royal Decree of the 13th of October, 1815, establishing the basis of Public Credit and assigning funds for the payment of the Debt, was published, my Royal intention then, as was the case with the Ordinance of the 30th August, 1800, was frustrated, because, as that Decree was not preceded by a system of economy, a suitable regulation of the Royal Treasury, or by a strict and judicious enquiry into the funds which could, with the least inconvenience, be applied to the re-establishment of the Public Credit, the attacks made upon its provisions were incessant, and naturally led to the non-observance of it. These preliminary and indispensable measures being now, however, taken, the fundamental bases for supporting the grand edifice of Public Credit, are thereby established.

But, although I may congratulate myself upon having attained, by those means alone which justice and the welfare of the public permit, the object which has hitherto been unattainable, because those means have been disregarded; I am yet denied the satisfaction of being able to announce the auspicious time when my wishes will be accom-

plished in their fullest extent, that is to say, the time when the dividends will be paid in cash, and a sufficient sum be annually set apart as a Sinking Fund, in order to secure the Public Creditor from the least possible loss; for, bearing constantly in mind, in the selection of the requisite means, the deplorable state of the Country, and, consequently, the absolute necessity that those means should not, in the smallest degree, interfere with the due encouragement of agriculture, industry, and commerce, all the deliberations of my Councils and of my Ministers, and all the endeavours of enlightened and zealous Individuals, have as yet failed to discover those which would be sufficient for the objects already mentioned: and even if, in my anxiety to increase the funds destined for the Public Credit, I could overlook the above considerations, and conquer my natural repugnance to oppress my People by fresh burthens, at a time when they have just given me the strongest proofs of fidelity and attachment, and are impoverished by the effects of a most destructive War, such a course would neither insure its re-establishment, nor produce any real advantage to the Creditors of the State; because, as one part of my Subjects would, thereby, only become the debtors of another, a new imposition beyond the natural capability of the Nation would be nothing less than a violent measure, which, effecting as it would, in a short time, the ruin of private fortunes (those by the help of which the debt is to be extinguished,) must be of short duration, and perfectly illusory.

Under such circumstances, neither the Public Creditors nor the rest of my Subjects can expect more from a Sovereign than the adoption and steady application of the means which are at his disposal for accomplishing the desirable object in view, more especially in such a matter as that of the Credit of Governments, which, unlike that of private individuals, is more strengthened by good faith and an implicit observance of a system founded upon morality and justice, than by the possession of funds however great. These principles of honour and policy, which are engraven upon my heart, have determined me not to propose more than I believe it practicable to realize, but to proceed, step by step, until circumstances shall allow me to fulfil, to the utmost, all the obligations which the Government has contracted: applying exclusively to this purpose, not only the means now approved of, but whatever others may hereafter suggest themselves, without in the least deviating from this plan, even when the debt shall become diminished.

For the above reasons and considerations, I have restricted myself, at present, to the dividing among the Creditors, according to the different nature of their claims, such funds as the circumstances of the Country will permit; but in such a manner that the interests of all shall be in some shape or other attended to; and for this purpose, after having heard my Council of State, I have ordered and by these presents do order as follows:

CHAPTER I.—*Classification of the Debt.*

ART. I. The whole Debt shall be divided into a Debt bearing interest, and a Debt not bearing interest.

II. The Debt bearing interest shall be sub-divided into a Debt of Forced Contributions, and a Debt of Voluntary Contributions.

III. The same interest that was paid, in the year 1808, shall continue to be received upon the Debt.

IV. The Board of Public Credit shall issue fresh Documents for the Capitals of the Debt bearing interest, which Bonds shall be registered by the Department of Recognition, which shall call in the old Bonds, and shall, upon issuing the new ones, comprize as many as practicable of the Bonds of the same class in one Security.

V. From this Regulation shall be excepted the Royal Bonds (*Vales Reales*) which shall continue to be renewed as heretofore, subject always to the distinction which I established in my Royal Decree of the 3rd of April last, viz. of Consolidated Bonds, Non-consolidated Bonds, and Common Bonds.

VI. The Debt not bearing interest shall be distinguished in the Documents which are issued by, or come under the cognizance of, the General Treasury, the Board of Consolidation, and the Board for the renewal of the Royal Bonds, and shall also be subject to the supervision of the Department of Recognition, which shall take cognizance of the whole of the Public Debt, and of all the financial operations relating to its liquidation.

CHAPTER II.—*Liquidation of the Debt.*

VII. Whilst by means of the Official Returns, shewing the revenues now appropriated, or to be hereafter appropriated, to the reduction of the National Debt, (an enquiry which requires time,) such positive data are accumulating as may enable me to ascertain how far I may, with safety, extend my views towards the payment of the Interest due to every Class of Creditors,—the Interest already due, or which has become due since the 1st of January, 1818, shall be paid in the following manner :—

Annuities for Life, wholly in cash.

The Interest upon the Capitals of Forced Contributions, two thirds in cash, and the remainder in paper money.

The Interest upon the Capitals of Voluntary Contributions, one half in cash, and the other in paper money.

The Interest upon the Consolidated Bonds shall be punctually paid in cash, in the manner fixed by my Royal Decree of the 3rd of April of the present year.

The Interest upon the Common Bonds, which was due on the 1st of January, and the 1st of May, and that which will become due on the

1st of September, 1818, according to their respective original issue, shall be paid, by 1 per cent. in cash, and the remaining 3 per cent. in paper-money.

VIII. The Interest upon the Debt, which is under the superintendence of the Board of Public Credit, and which shall have been due from the 1st January 1815 to the 1st January 1818, shall be paid off in the manner prescribed in the preceding Article, with respect to the Interest which was or may become due on or since the 1st of January 1818; and the payment thereof shall be effected so soon as the Board shall have sufficient Funds for that purpose, excepting the Interest upon the Royal Bonds, up to their respective renewals of the present year, which shall be paid in full, in paper money.

IX. The Interest remaining due up to the 1st January, 1815, shall be liquidated by being converted, to its full amount, into paper money.

X. Distributive justice, and the welfare of the State, as well as that of the People who support the public burthens, demand that every preference should be given to the liquidation of the Capitals which do not bear Interest, and of those of Transferable Capital which do bear it, but are payable in paper money, issued in payment of interest; the more especially as a part only of those which will hereafter become due, and also of those which have become due since the 1st of January, 1815, will be paid in cash, conformably to what has been provided in Article VIII. This paper money, therefore, whether created by the Interest which has become due up to the year 1818, or by that of every class which may hereafter become due, including the Interest of the Royal Bonds, shall be received in payment for the value of one-tenth part of the sales of landed property: without prejudice, however, to the improvement of this species of security, which will result from the measures which will be adopted;—when the necessary information respecting the property to be sold shall have been obtained; when the most privileged portions of the Debt shall have been reduced; when the sufferings of the People shall have been alleviated; and when the strict economy which is to be observed in the Public Expenditure, so much increased by the last protracted War, shall permit.

XI. Every Transferable Capital, or portion of the Debt, whether bearing Interest or not,—subject only to the condition mentioned in the preceding Article, respecting the paper money issued in payment of the Interest,—shall be received for its full value in the purchase of the immoveable property set apart for the extinction of the Debt, and shall be moreover paid off by means of purchases made, at the market price, with the funds to be annually applied for that purpose.

XII. Bonds, whether Consolidated or not, shall be entitled to the advantages which I granted to them by my Royal Decree of the 3rd of April last.

XIII. The Common Bonds shall be received for their full value, in payment of the arrears due from Towns, up to the end of the year 1814, for any description whatever of Royal Contribution, or Public Impost.

XIV. A Sinking Fund shall be formed for paying off in cash, at their full value, the Capitals of the Debt not bearing Interest. An Annual Statement shall be published, of the sums which are to be applied to this object, and of the days on which the lottery for that purpose is to take place; the Stock so to be paid off being drawn by lot, after being divided into series of hundreds and thousands, according to the numbers in the general Registries of the Debt of the State. From this liquidation and lottery will be excluded all Paper Securities, arising from Interest, of whatever class they may be.

XV. The Capitals of the Transferable Debt bearing Interest may have the benefit of the Sinking Fund, and be included in the lottery, if presented before the expiration of the term to be annually fixed; subject, however, to the condition of forfeiting their Interest from that day. They will, on the other hand, have the advantage of entering into successive lotteries until drawn.

CHAPTER III.—*Imposts.*

XVI. The following Imposts shall be applied to the payment of the Dividends, and the extinction of the Debt:

The half-yearly proceeds of the collateral inheritances of Common Entails, and of those called *Mayorazgos*.

The half-yearly proceeds of all Revenues, Dues, and Rights whatsoever, which are derived from free Grants to Vacancies amongst the Descendants of the Grantees of the Crown in these Realms; including the secularized Tenths, the Thirds of Castile, the Three-tenths of the Kingdom of Valencia, and those of the Noble Laity of Catalonia.

25 per cent. upon the founding of Entails, and upon the acquisition of property by Mortmain.

2 per cent., annually, upon the Rents which may hereafter be subject to Ecclesiastical inalienation; the Ecclesiastic appointed to any future vacancy therein not being liable to the payment to which civil collateral successions are subject.

All the proceeds of Brandies and other liquors, conformably to the Royal Decree of the 5th November, 1817.

The net proceeds of the cultivation of Waste Lands, which have already been, or shall hereafter be, appropriated to this purpose.

Those of the Lead Mines, with the privilege of exportation; after deducting the quantity necessary for the Military Service, to be supplied at a price to be agreed upon.

The produce of the Mines of Almaden.

That of the Mines of the River Tinto.

The exempted Tithes, conformably to the Briefs which regulate them.

The Tithes which arise from the new tillage or irrigation of Lands, and which belong to the State, by virtue of Pontifical Concessions.

The net produce arising from the half yearly Receipts of Redemptions.

One year's amount of the Pensions of the Order of Charles III.

Ditto, of those of Isabella the Catholic.

1,500 reals on the granting of Crosses of the 4 Military Orders, of the Order of Charles III, and of Isabella the Catholic.

2,000 reals on the permissions to wear Foreign Orders.

The net proceeds of the Commanderships which are vacant, or may hereafter become so, of the 4 Military Orders, and of that of St. John of Jerusalem.

One year's income, besides the Vacancies, mentioned in the preceding Paragraph, of the said Commanderships. Are excepted, however, the Benefices belonging to the said 4 Military Orders, and to that of St. John of Jerusalem, which have cure of souls, including also their greater and lesser Dignities, which, for particular reasons, I may think proper to continue; in which case the Nominee or Person appointed shall pay the said one Year's Income, reckoning from the day on which he will be entitled to the dues, according to the Statutes of the Orders.

The proceeds of the 2 years immediately succeeding the Vacancies of all the Ecclesiastical Dignities, Canonries, Prebends, and Benefices, of every kind of Royal or Ecclesiastical appointment, as well secular as regular, which are known by any title or denomination whatever, excepting the Dignities having presidency in the Chapter, Prebends *de Oficio*, and the Benefices which have cure of souls; conformably to the Bull issued by His Holiness Pope Pius VIIth, at Rome, on the 26th of June last, which Bull is annexed to this my Royal Decree.

In order to consult, as soon as possible, the service of the Church, and to attend to the due remuneration of so many worthy Ecclesiastics who aspire to obtain Prebends, and consistently with the objects which I have proposed to myself in the solicitation of this Bull; I declare that the proceeds and revenues which have been paid into the Board of Public Credit, by virtue of former Pontifical Permissions relative to the Prebends which are now vacant, shall be considered as received on account of the above named 2 years, and the nominations to the said Prebends shall be deferred, only so long as is necessary to complete the 2 years aforesaid; for which time, as vacant Prebends, the Board of Public Credit shall receive their income in full, with the condition that the Nominee shall pay such sum annually as is fixed by the following Paragraph.

Besides the vacancy of 2 years, required from the said Ecclesiastical Benefices, one year's income shall be paid by the Nominee, in

equal instalments during the 4 first years, reckoning from the time when he first receives his dues, or from that of entering upon his Benefice; including likewise in the payment of this one year's income, the Dignities having presidency in the Chapter and the Prebends *de Oficio*, and excepting only the Benefices with cure of souls, as expressed in the said Bull.

The produce of all Benefices without cure of souls, whether the presentation be in the Crown, the Church, or in Private Individuals: this provision being suspended for the space of 6 years, reckoning from the present time, conformably to the terms of the aforesaid Bull.

The produce of all vacant Rectorships, from the death of the Incumbent until the canonical installation of his Successor; after deducting the dues of the Clerical Administrator, and other lawful charges, conformably to the aforesaid Bull.

The net proceeds of the Masterships of the 4 Military Orders.

Those of all Property sequestered and confiscated, which, in virtue of a sentence of the Tribunals, may be legally applied to the service of the State.

The proceeds of the Property derived from Rights and Actions of reversion and incorporation.

Those of Property redeemed, alienated Offices, and others, which have belonged to the Crown, and which must again revert to it, as well as all Property which, for whatever cause, may be applied to the service of the State; with the proviso, that the Parties may continue in possession of the same.

The produce of all Property without ownership.

One 5th part of the proceeds of the Bulls of the Crusade for the living and the dead; one half of the proceeds of the Bull for Persons of rank and wealth, and of all others whatsoever, which may be in operation in the Dominions of Spain.

The proceeds of the Lent Indulgence in the Indies.

The Taxes upon articles of luxury, and upon Servants, Coaches, and Shops, agreeably to the Tariff marked No. I.

The Receipts for Grants made by the Chambers of Spain and the Indies, agreeably to the Tariff, marked No. II.

The Fines for Dispensations from the Law, and for Grants made by the Councils, agreeably to the Tariff, marked No. III.

One 5th part of the proceeds from the Custom-houses, as well as from the export of Wool.

20 per cent. upon the Corporation Property and Imposts of the Kingdom; in lieu of the 10 per cent. which went to the Board of Consolidation, the 2 per cent. paid to the Councils, and the portion received by the Royal Exchequer, which taxes shall cease; the Public Credit remaining liable to the payment of all dues, charges, and expenses,

for which the portion belonging to the Royal Exchequer was responsible.

One half of the annual surplus of the said Property.

The produce of all the Imposts which, by virtue of the Royal Ordinance of 1800, and of subsequent Cédulas, were applied in America to the consolidation of the Royal Bonds, and which have not been annulled by special provisions.

That of all arrears of the Half-yearly Duties, and of those of exemptions from military service, up to the 1st of January, 1818.

The duty of 160 reals for every Mule imported into the Kingdom.

All the arrears which, on whatever account, are owing by the People to the Royal Exchequer and to the Board of Public Credit, up to the end of the year 1814; which arrears may be paid in the manner prescribed in my Royal Decree of the 3rd April of the present year, and the Common Bonds being also received in payment thereof.

The Tax of one Bond of 600 dollars, on all direct inheritances for the title of Grandee of Spain; of one of 300 for that of Marquis and Count, and of one of 150 for that of Baron and Viscount; with an additional 10 per cent. in Royal Bonds, of the annual income which shall be inherited, as well as on all Entails, whether common or those of *Mayorazgos*, even when no title is attached to them; excepting always such collateral inheritances as shall have imposed upon them, by another Article, the half-yearly Duties.

That of 2 per cent. upon the sale of Property, in Towns where Tariffs are established for Port Duties.

The produce of the sale of Property belonging to Estates which, for any cause, have been forfeited to the Exchequer.

That of Waste and Crown Lands; all due caution being observed, that while their alienation is facilitated, the improvement of agriculture and the advantage of the People may be promoted.

That of depopulated Districts, with a view to their being re-peopled.

That of the Estates of the last Duchess of Alba, which have been incorporated with those of the Crown; together with whatever other Property may hereafter be discovered to belong to the State, or which may, for any cause, be adjudged to it by the Courts of Law.

That of the Lands of Pious Establishments, and of secularized Ecclesiastical Property, which is administered on behalf of the Public Credit.

That of all Property, the Owners of which are unknown.

That of all Reversionary and Incorporated Property, or of all Property which may, hereafter, revert to or be incorporated with that of the Crown; suitable compensation being given to the Parties interested, according to a valuation to be made and adjudged by the Courts under whose cognizance such matters fall.

Being anxious to secure, as far as lies in my power, the interests of the Creditors of the State, and to consolidate the Public Credit, by giving the most effective employment possible to Capital, I command you to draw up and to lay before me, for my consideration, a Separate Report of the Property, of every description, which may, in addition to those now ordered to be alienated, be sold without prejudice to the State, and without those inconveniences which generally accompany this operation, and occasion more detriment than benefit to the Public Credit.

XVII. All these Properties and Revenues, together with whatever other Revenues are to be applied to the same object, shall be exclusively administered by the Board of Public Credit, and its subordinate Offices; they being empowered to that effect by virtue of my Royal Decree of the 18th October, 1815, and in conformity with the Instruction which I have ordered to be drawn up for that purpose.

XVIII. The sale of these Properties shall forthwith be proceeded in, the State reserving to itself, out of each Estate sold, one-third part of the value at which it has been assessed, but not of the sum for which it may be actually sold; the Purchasers also shall pay a tax upon the amount, the proceeds of which shall become part of the funds of the Board of Public Credit. This tax shall be 3 per cent., redeemable in cash at the option of the Possessor of the Estate; the interest before mentioned, to the exclusion of those of any other class, and even of cash, being received in payment of the 2 remaining portions.

XIX. No Sale shall be authorized, the net proceeds of which do not cover the assessed value of two-thirds of the Estate.

XX. All the Royal Bonds, of whatever class, which shall be received by the General Treasury and by all the other Offices of my Royal Exchequer, by virtue of the power given them to that effect by my Royal Decree of the 3rd of April last, and of that which I now give them, by these presents, shall be made over every 3 months to the Board of Public Credit, in order to their being immediately cancelled.

XXI. In order that this my Royal Will may be punctually fulfilled, and that the Revenues and Properties destined for the Public Credit may, on no pretence whatever, be applied to any other objects than those above mentioned,—to which effect I hold the Department of Finance, and the Board of Public Credit especially, responsible, enjoining them, moreover, to give me immediate information should any such misapplication occur,—I shall name a Junta to protect the latter Establishment; which Junta shall, at the commencement of every year, without interfering with the Accounts to be rendered by the Board of Public Credit to that of Special Controul, take cognizance of all financial operations of whatever degree of importance, giving me an account of

them, accompanied by such observations as may be deemed necessary; such account being rendered to me by the Department of Finance. This Junta shall also assemble, whenever called upon so to do by the Board of Public Credit, through the medium of the President; and shall represent to me whatever it may deem useful for the Public Creditors and the consolidation of Public Credit, through the medium, as in the above instance, of the Department of Finance; who, at the instance of the Protecting Junta, shall make a Report to the Council of State, in order that, having heard its opinion, I may decide upon the measures to be adopted.

This Protecting Junta shall be composed of a President, who shall be a Councillor of State, of one Member from each of the Councils of Castile, of the Indies, of the Orders, and of Finance, of a dignified Ecclesiastic attendant upon the Court, of a Director of the National Bank of San Carlos, of a Director of the Philippines, of a Director of the Five Companies, (*Gremios*), of a Deputy of the Kingdoms, of a great Landholder, of a Merchant possessing landed property, and of high reputation at Madrid, of the Directors of the Board of Public Credit, assisted by the Accountants of the said Establishment, and of the Head of the Board for the renewal of Bonds.

Be it your care fully to understand and provide for the due performance of this my Royal Will.

Signed with the Royal Hand, at the Palace, the 5th August, 1818.

To Don Martin de Garay.

FERDINAND.

By Command of His Majesty, I forward the above to you, for your government, and for the due fulfilment of that portion of it which belongs to your Department. May you live many years.

Madrid, 5th August, 1818.

MARTIN DE GARAY.

No. 1.—Tariff of the Annual Taxes upon Servants, Coaches, and Shops.

SERVANTS.		Reals vellon.
For one Servant.....		00
For the second		40
For the third		100
For the fourth.....		200
For the fifth		400
For the sixth		600
For the seventh		800
For the eighth		1,200
For the ninth		1,800
For the tenth		2,400
For the eleventh and upwards, each		3,000

No one shall be liable for Female Servants, nor for Male Servants [1817—18.]

who have been invalided from the Army; nor for those who are 50 years of age; nor for those who have any visible physical impediment or defect in any of their limbs; nor for those who are employed in agricultural labour, in the tending of cattle, or in driving mules or other beasts of burthen; nor for the Masters or Ushers of any Establishment dedicated to the instruction of Children; nor for Apprentices and Shopboys; nor for Bailiffs, Stewards, and others employed in the Establishments of Grandees, Noblemen, and others: the latter exception, however, shall not extend to those whose service is personal, such as Coachmen, Lacqueys, &c.

COACHES.

	Reals vellon.
For one Coach, in use	267
For the second	400
For the third	1,000
For the fourth	2,000
For the fifth and upwards, each	4,000

In this Tax is included every Coach, Berlin, Landau, Chaise, or other Carriage of a like kind, commonly employed, and which is used by the Owner and his Dependents, as well as private travelling Coaches, single horse Chaises, &c., kept by private individuals for their convenience or pleasure.

Two wheeled Carriages, intended for pleasure and convenience, shall pay the half of the sum fixed for Coaches, Berlins, &c., according to the progressive scale laid down in the Tariff.

HOTELS AND SHOPS.

	Reals vellon.
For every Hotel	2,000
For every Eating-house, in which coffee and liquors are sold...	800
For every Eating-house not selling coffee and liquors.....	400
For every Coffee-house, selling liquors	300
For every Coffee-house, selling liquors and sweet beverages...	500
For every Shop, selling only sweet beverages	300
For every Wine-shop	500
For every Perfumer's Shop.....	1,000
For every Shop selling ultra-marine produce	1,000
For every Confectioner's and Biscuit Shop	300
For every Spanish milliner's Shop.....	1,000
For every Foreign milliner's Shop.....	3,000
For every Shop, selling feathers or artificial flowers	1,500
For every House, in which are played the games of billiards, backgammon, &c.	1,600
For every Shop, selling muffs and furs	300
For every Shop, selling stained paper.	200
For every Shop, selling gold and silver plate, and diamonds....	300

	Reals vellon.
For every Shop, selling plate only.....	200
For every wig-maker's Shop	100
For every gold-wire-drawer's Shop	300
For every embroiderer's Shop	300

No. 2.—Tariff of all Fines payable for Grants, and all other Concessions, made by the Chamber of Castile, &c.

I. The fine to be paid for the power of founding Successions, called *Mayorazgos*, shall be 800 ducats vellon : with respect to augmentations made to entails, the practice hitherto observed shall be continued.

II. Persons who are incapacitated, on account of their minority, from exercising the Professions of Notary Public, Attorney, Physician, Surgeon, Apothecary, and others of a similar class, may be qualified so to do by an annual payment of 200 ducats vellon.

III. A Qualification for filling the Office of Regidor, or any other municipal Office, may be obtained by the payment of a yearly sum of 400, 300, and 200 ducats vellon, until the Person attain the age of 18; the first sum to be paid by the Inhabitants of Cities and Towns which send Members to the Cortes; the second by those of such Towns as are not represented; and the third by those of Towns and Places of lesser population.

IV. A Minor's incapacity to apply to the Council for permission to direct and manage his own property, without the controul of Guardian or Trustee, may be removed, in the case of Private Individuals, by an annual payment of 150 ducats vellon : of 300 ducats by Persons who have a yearly income of 3,000 ducats; of 400 ducats by Viscounts and Barons; of 500 ducats by the Noblemen of Castile, Navarre, Arragon, Valencia, Catalonia, and Majorca; and of 1,000 ducats by the Grandees of Spain.

V. Privileges and immunities granted to Corporations, or to Private Individuals, by preceding Monarchs, but which have ceased, from not having been duly confirmed, may be renewed, upon a fine being paid of 200 ducats vellon for each of the 3 last Reigns; such Privileges being *rodado y suelto*, or being comprized, whatever their extent, as usual, in one volume.

VI. Dispensations to Persons not possessing the prescribed qualifications for Offices, which may be renounced in favour of another Party, may be obtained by paying a sum proportioned to the value thereof:—when the Heir is the Applicant, he must pay one-third of the gross value of the Office, it being well understood that the Grant is only for his own life.

VII. The permanent power of naming a Deputy or Substitute to fill any Office, may be obtained on the payment of a duty of one-half of the total value thereof. Women, and Men who cannot serve in their

own persons, together with all other cases of a similar kind, are excepted from this payment.

VIII. When an Office or Employment which can be renounced, is so renounced in favour of a Person not legally qualified, that Person may obtain the same upon paying one half of the total value thereof.

IX. The permission to sign with a seal manual shall be granted, upon payment of 300, 400, 500, 600, and 1,000 ducats vellon: the first sum to be paid by Private Individuals; the second by such as have an annual income of 3,000 ducats, arising either from private property or from any Employment; the third by Viscounts, Barons, Abbots, and other regular Dignitaries; the fourth by the Noblemen called *Titulos* of Castile, Navarre, Arragon, Valencia, Catalonia, and Majorca, the Right Reverend the Archbishops, and Very Reverend the Bishops; and the fifth by the Grandees of Spain.

X. Permission for Persons holding the Office of Alderman to retain it for life, may be obtained by the payment of 400, 300, and 150 ducats; the first sum to be paid by the Inhabitants of Cities and Towns which are represented in the Cortes; the second by those of Towns which are not represented; and the third by those of Towns having a small population.

XI. Incapacity, arising from being born of unknown Parents, to exercise the professions of Notary Public, and similar ones, may be removed by payment of 300 ducats.

XII. Exemptions from the jurisdiction and dependence of Villages upon Towns, whether they be Royal or Seigniorial, may be obtained upon payment of 7,500 maravedies for every Inhabitant of the Population of the Village, reckoning streets and detached dwellings.

XIII. Permission for a Widow to continue (notwithstanding her second marriage) to have the guardianship of her child or children by her first Husband, may be obtained by payment of 400, 500, 600, 700, and 1,000 ducats vellon: the first sum to be paid by Private Individuals; the second by those having an income of 3,000 ducats; the third by Viscounts and Barons; the fourth by the Noblemen called *Titulos* of Castile, Navarre, Arragon, Valencia, Catalonia, and Majorca; and the fifth by the Grandees of Spain.

XIV. Acts of Naturalization, provided they be the ordinary ones, extending only to Honours and Offices, and be not prohibited by the regulations of the tax called *Millones*, may be obtained upon payment of 400 ducats.

XV. Acts of legitimation, in favour of a son or a daughter, not born in lawful wedlock, granting to them the right to inherit, shall pay a duty of 200 ducats vellon for each child; but if the legitimating be merely to enable the party to exercise municipal functions, the sum shall be 150 ducats, or if for any particular profession, such as Barrister, Notary, Attorney, or any other of that class, 100 ducats.

XVI. Permission to exercise the Offices of Regidor and Notary Public, at one and the same time, shall be granted upon payment of 600 ducats.

XVII. Permission for Regidores and their Successors in Office to elect, or to be elected, Alcaldes, in the year which has fallen to them by lot, although they have not more than one vote, shall be granted, upon payment of 300 ducats in Cities, Towns, and Places of large population, and in others of small population upon payment of 150 ducats.

XVIII. Permission to serve the Office of Regidor in one Town, although performing the same functions in another, may be obtained, upon payment of 1,000 ducats, in Cities and Towns which send Representatives to the Cortes; and in other Towns and Places, whatever may be their population, upon payment of 500 ducats.

XIX. Dispensations from appearing before the Council to be examined for the Office of Notary, shall be granted, upon payment of 125 ducats vellon, the distance not being more than 50 leagues from the City, Town, or Place, in which the said Notary has to exercise his profession; but exceeding that distance, the sum shall be 145 ducats.

XX. Dispensations from appearing before the Chief Boards of Medicine; Surgery, and Pharmacy, in order to pass an examination as Physicians, Surgeons, and Apothecaries, shall be granted upon payment of 100 ducats.

XXI. Acts of special legitimation, by which the Children of the Knights Professors of the Orders are enabled to inherit and enjoy the privilege of their Fathers, may be obtained, upon payment of 1,000 ducats vellon, if the Act of legitimation only enables the Party to inherit and obtain Offices or Employments; but if extended to the inheritance of the nobility of their Fathers, upon the payment of 30,000 reals; the sum mentioned being, in both cases, to be paid for each Son or Daughter for which the said advantage is desired.

XXII. Permission for Persons elected to Offices to be sworn out of Court, for a dispensation from taking the Oath before the Council, and for leave to take it before any other Court, or from the hands of any Person duly qualified, may be obtained, upon payment of 100 ducats vellon; from which regulation the inferior Class of Officers of Justice (*Varas and Corregimientos*,) are excepted.

XXIII. Permission to a Receiver of a Court of Justice, or of the Courts of Chancery or Audiencia, to perform the duties of Notary of the Realm, and to continue exercising the Office of Royal Notary, although he have ceased to be a Receiver, and have not served the 16 years required by the Law, may be obtained, by the payment of 60 ducats vellon for a yearly dispensation.

XXIV. Permission to decorate with a chain the entrance of a House in which either His Majesty or any other Royal Person has been entertained, shall be granted, upon payment of 400 ducats vellon.

XXV. Permission for a Barrister, being a Clergyman, to practise, notwithstanding his Priestly Office, the Legal Profession, in Causes purely civil, may be obtained, by the payment of 300 ducats.

XXVI. Permission to a Regidor, for him and his Successors in Office, to enter the Town-Hall wearing a sword, may be obtained, upon payment of 300 ducats vellon.

XXVII. Permission to privileged Towns, where Alcaldes or other Officers of Justice reside, to be exempted from the authority of the Corregidores of their District, may be obtained, on payment of 300, 400, and 500 ducats vellon, according to the greater or lesser population of the Town.

XXVIII. Dispensations to Barristers, for the time wanting to complete their 4 years' practice, after their taking the degree of Bachelor, may be obtained, upon payment of 100 ducats vellon for each year of dispensation; the said sum to be received, in the event only of the Chambers of Castile and the Indies granting the said Dispensation.

XXIX. Dispensations to Persons to inherit, either by the common entail or by that called *Mayorazgo*, without actual personal residence in the Town assigned by the Founder of the Entail, may be obtained by a fine to the amount of half a year's rent of the entail received by the Party to whom the Dispensation is granted; who must previously give proof of the actual amount of the Rent before the competent Board.

XXX. Privileges of Nobility may be obtained, upon payment of 50,000 reals; and the circumstances and condition of the family soliciting them shall be taken into consideration.

XXXI. Declarations of Nobility and of Noble Blood may be obtained, by the payment of 40,000 reals; due consideration being likewise had to the circumstances and condition of the Parties soliciting them.

XXXII. The Grant and Title of Baron may be obtained, upon payment of 45,000 reals vellon.

XXXIII. The Council of Dispensations from Law is also empowered to propose and grant other indulgences, such as extensions of Privileges and Offices, augmentations of coats of arms, and others of that class; but as it is impossible to lay down any fixed rule for these Grants, they are to be regulated according to the circumstances of the Parties asking for them, and with due consideration for the City, Town, or Place interested, the Authorities of which must act in future without prejudice to the practice herein observed for the advantage of the Treasury of Public Credit, so far as regards the Nation: the following Grants are, however, exempted from any payment whatever, as contrary to the welfare of the State.

1. Permission to enclose and appropriate Lands, whether free or entailed.

2. Permission to a Woman to keep open an Apothecary's Shop belonging to her, provided it be under the management of a Man competent to the occupation.

3. Permission to serve Municipal Offices, notwithstanding that the party is a shopkeeper.

4. Permission to erect Mills and other Buildings.

5. Dispensations to a Widow, for the time wanting to complete the age of 25, in order that she may act as Guardian to her children by her deceased Husband.

XXXIV. In the Kingdoms of the Crown of Arragon, Valencia, and Majorca, and in the Principality of Catalonia, after paying respectively the usual fines, on the granting of privileges, to the Exchequer, and after also paying the alms to the Hospital of Arragon, other fines shall be paid as follows: for the privilege of Citizen, 40,000 reals vellon; for that of Knight, after having obtained the class of Citizen, and paid the above fine, 5,000 reals; and for Noblemen, or *Hidalgos*, 5,000 reals more, provided that the said 2 classes of Citizen and Knight have been obtained, and the fine imposed upon each duly paid; and according to this system a graduated scale shall be observed: that is to say, from the Citizen to the Knight, and from the Knight to the *Hidalgo* or Nobleman, in order that the fines may be successively paid as imposed, from the lower to the middle, and from this to the first or superior class; and moreover, when, either on account of personal merit or other special circumstances, the Title of Nobleman or *Hidalgo* is conferred, without the Party having obtained the 2 classes of Citizen and Knight, the fine shall be 50,000 reals; and 45,000 in the case of a Person obtaining the privilege of Knight without having previously obtained that of Citizen, and paid the fine for it: provided also that in obtaining all the aforesaid Privileges, as herein specified, the fines must be paid in cash for all classes of Persons, unless His Majesty shall expressly order to the contrary.

No. 3.—Tariff of the Fines to be paid for Dispensations from the Law, and for Grants made by the Councils.

Reals vellon.

I. For the Order or Permission, that a Suit may be brought before a full Court, either of Audiencia or Chancery	100
II. That a Suit may be tried in the special presence of the President, (<i>Regente</i>), whether in a full or ordinary Court	150
III. That a Suit may be brought before 2 ordinary Courts	250
IV. That a Suit may be brought before 2 full Courts	500
V. That a Suit may be brought before the Council, with a full Court	200

	Reals vellon.
VI. That a Suit may be brought before 2 ordinary Courts	500
VII. That a Suit may be brought before 2 Courts, in the presence of the President	600
VIII. That a Suit may be brought before 2 full Courts.....	800
IX. That a Suit may be brought before 3 Courts	3,000
X. And, with the condition of being complete, over and above the preceding fine.....	6,000
XI. That the Suit may be brought before a full Council ...	15,000
XII. For the examination and approval of Official and Royal Notaries	160
XIII. For the approbation and swearing in of the Curators, <i>ad litem</i> , of the Grandees of Spain.....	3,000
XIV. For the dispensation from age, in order to enable a Party to administer his Estates independently of Guardians and Trustees; for Private Individuals, annually.....	3,000
XV. And when the Estates yield 3,000 ducats; annually...	5,000
XVI. For the Titles of Viscount and Baron	6,600
XVII. For those of Castile, Navarre, Arragon, Valencia, Catalonia, and Majorca	8,000
XVIII. For Grandees of Spain, both titular and honorary,	16,000
XIX. For Grants of Emancipation, the same Fines, with the same classification of Titles and value of Estates.	

By the Royal Decree of the 18th November, 1801, addressed to the Council, the provisions of which His Majesty wishes to be observed, it is ordered that the Grants expressed below in the numbers from XX. to XXV, inclusive, shall not be considered as Ordinary Grants, lest the Academical Regulations, so necessary to the welfare of literature and of public instruction should be thereby compromised; nevertheless it is His Majesty's Sovereign pleasure, that, if the dispensation of the same should be considered advisable by the Council, in that case, the Grantees shall pay the fines enumerated hereunder; viz :—

	Reals vellon.
XX. For a Dispensation from attendance at the course of lectures required for the higher Degrees, annually	3,000
XXI. For a Dispensation from the 4th year of attendance, required for obtaining minor Degrees in the Ordinary Assembly.....	2,200
XXII. For the substitution of 1 set of lectures belonging to one of the higher Faculties for those belonging to another, for every year	600
XXIII. For granting Degrees of the higher Faculties to the Regular Clergy, who have qualified themselves by lectures in their own Religious Establishments	2,200

Reals vellon.

XXIV. For the approval of a Course of Philosophy, attended out of the Universities or Public Schools, for every year.....	200
XXV. For the approval, for particular reasons, of Courses in the higher Faculties, attended out of the said Universities and Schools, for every year	2,200
XXVI. For admission as a Candidate for the Chair of Professor, when the proper Terms have not been kept, for each year (and in proportion for the fraction of a year).....	100
XXVII. For the dispensation from other requisites necessary for taking Degrees at the Universities	160
XXVIII. For the dispensation from age or any other condition, required by the Statute or Foundation of a College or Institution	300
XXIX. For the dispensation from qualifications pointed out in the Statutes and Ordinances of the <i>Consulados</i> , or Mercantile Bodies.....	600
XXX. For the same dispensation from the Ordinances of Trading Companies	100
XXXI. For the dispensation from time, to the extent of 4 months, which may be granted by the Council to Persons who are Candidates for the class of Barrister, for every month	100
XXXII. For the dispensation from the age required by the Courts of Chancery and Audiencia of the Kingdom, in Candidates for the class of Barrister, for every year	300
XXXIII. For the approval and title of Barrister in the Council	200
XXXIV. For the dispensation to a Barrister from the necessary examination for obtaining the title of Notary	100
XXXV. For permitting any newly appointed Procurator to transact business in Court, before he has fulfilled the duty of producing all the Cases undertaken by his Predecessor, for every month.....	100
XXXVI. For the title of Surveyor.....	40
XXXVII. For Writs in aid of Letters Patent of Nobility in right of property.....	300
XXXVIII. For Writs in aid of Letters Patent of the Officers of the Holy Brotherhood (<i>Santa Hermandad</i> .)	2,000
XXXIX. For the permission to Notaries, who are Noblemen, to affix the title of Don to their Signatures.....	800
XL. For the privilege of holding a Fair	600
XLI. For that of a Market.....	160
XLII. For the permission to apply to Rome to obtain the Degree of Master or Teacher, or any other Grant in	

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behalf of any Individual, with dispensation from the Statutes and Ordinances of his Order or Religion.....	1,000
XLIII. For permission to found a Convent	3,000
XLIV. For permission to found Religious Houses, for the reception of travellers and strangers.....	1,500
XLV. For the extension of the jurisdiction of Inferior Courts, agreeably to what has been granted to the Lordship of Molina and District of Almazan	600
XLVI. For the prolongation of the Offices of Judges, Procurators, Regidores, Deputies, and Agents of the Law, and of any other Public Office	300
XLVII. For a dispensation for keeping Municipal Offices without nomination, on account of relationship between the Candidates, or of their not possessing the requisite qualifications...	500
XLVIII. For a dispensation for giving Regimental Appointments to others than the proper Class, on account of the want or scarcity of qualified Individuals	60
XLIX. For the extending of Municipal Offices to Persons who cannot fill them lawfully, if in the City	1,200
L. For the same in Towns or other Places.....	600
LI. For approving of the Ordinances of a City.....	300
LII. For.....ditto.....ditto.....of a Town	200
LIII. For.....ditto.....ditto.....of a Village.....	100
LIV. For.....ditto.....ditto.....of Companies, Societies, Brotherhoods, Congregations, &c.	500
LV. For each License for the Printing of a Book or other Literary Work.....	60
LVI. For a License for the Re-printing of ditto.....	30
LVII. If the said License be with the exclusive privilege to the Author	60
LVIII. If the party requiring the License be not the Author, nor have an immediate claim upon him, the said License being for 10 years.....	1,200
LIX. If for 5 years.....	600
LX. For the License to increase the number of sheets, beyond that allowed by Law in all printed Documents, for each sheet	120
For other Dispensations and Grants not specified in this Tariff or List, such sums shall be paid as shall be fixed by the Council granting them ; excepting the following Grants, which shall pay nothing :	
The Diplomas, or Patents of Superior Professorships, in the higher Universities.	

Those of the other Universities in these Realms.

Those of the Inferior Professorships, in the higher Universities.

Those of the other Universities.

Those of the Superior Secular Professorships, in the higher Universities.

Those of the other Universities.

Those of Masters of Primary Instructions in Towns and Villages.

Those in the Cities of the Kingdom.

Those of the Masters of Grammar Schools.

For the permission, to Persons who are not allowed so to do by law, to carry arms upon the road, either walking or riding.

For the allowing of Surveyors provided by the Council, in order that the Disputants of any City, concerning Boundaries, may appear before a Commission.

For do. do. of a Town.

For do. do. of a Village.

For do. do. of a particular Manorial Territory.

For do. do. of Jurisdiction belonging to Private Individuals.

For do. do. of Lands of any other description.

For a Writ, in confirmation of the appointment of local Justices made by the Owners of large Estates.

For permission to ballot for Candidates for judicial Appointments.

[Here follows the Bull of His Holiness the Pope, referred to in the preceding Decree ; dated Rome, 26th June, 1818.]

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**No. 1.—Treaty of Defensive Alliance with the Rajah of Berar.—
Nagpore, 27th May, 1816.**

Treaty of Perpetual Defensive Alliance between the Honourable English East India Company and His Highness Maharajah Pursojee Bhooslah, his Heirs and Successors; settled with Rajah Moodhojee Bhooslah, exercising with Plenary Powers all the functions of the Government, on behalf of the said Maharajah, by Richard Jenkins, Esq., Resident at the Court of His Highness, by virtue of the Powers delegated to him by the Right Hon. Francis Earl of Moira, K.G. one of His Britannic Majesty's Most Honourable Privy Council, appointed by the Honourable the Court of Directors of the said Honourable Company, to direct and controul all their Affairs in the East Indies.

WHEREAS, by the blessing of God, the relations of peace and friendship have uninterruptedly subsisted for a length of time, between the Honourable English East India Company and the State of Nagpore; the Powers aforesaid, adverting to the complexion of the times, have determined, with a view to the preservation of peace and tranquillity, and to the security of their Rights and Territories, and those of their Allies and Dependents, to enter into a Defensive Alliance, on the terms specified in the under-written Articles:

ART. I. The peace, union, and friendship so long subsisting between the 2 States, shall be promoted and increased by this Treaty, and shall be perpetual. The Friends and Enemies of either shall be the Friends and Enemies of both. And the Contracting Parties agree, that all the former Treaties and Agreements between the 2 States, now in force, and not contrary to the tenor of this Engagement, shall be confirmed by it.

II. If any Power or State whatever shall commit any act of unprovoked hostility or aggression against Maharajah Pursojee Bhooslah, and after due representation shall refuse to enter into amicable explanation, or shall deny the just satisfaction or indemnity which the Contracting Parties shall have required, then the Contracting Parties will proceed to concert and prosecute such further measures as the case shall appear to demand. For the more distinct explanation of the true intent and effect of this Agreement, the Governor-General in Council, in behalf of the Honourable Company, hereby declares, that the British Government will never permit any Power or State whatever (in which description is included the Tribe of Pindarries) to commit with impunity any act of unprovoked hostility or aggression

against the Rights and Territories of Maharajah Pursojee Bhooslah ; but will at all times maintain and defend the same, in the same manner as the Rights and Territories of the Honourable Company are now maintained and defended.

III. In conformity to the spirit of complete alliance and identity of interests, as established by the provisions of the preceding Articles, and in return for the obligation which the British Government has thereby imposed upon itself, to protect and defend the State of Nagpore against all Enemies ; the Maharajah agrees, not only to employ the utmost effect of his military power and resources, in conjunction with those of the British Government, for the purpose of assisting to repel acts of hostility or aggression directed against the State of Nagpore, but also to consider the Forces and resources of his Government to be applicable, to the utmost practicable extent, on occasions on which the British Government may be engaged in operations, for the defence of the Territories of its Allies, their Highnesses the Nabob Sekunder Jah Soobahdar of the Deccan, and the Peishwa Rao Pundit Purdhan ; as well as, generally, to aid the British Government, as far as his power and resources will admit, in any Contest in which the British Government may at any time be engaged, for the defence of its own rights, and those of its Allies.

IV. With a view to fulfil this Treaty of Defensive Alliance, Maharajah Pursojee Bhooslah agrees to receive, and the Honourable the East India Company to furnish, a permanent Subsidiary Force of British Troops, consisting of not less than 1 Regiment of Native Cavalry, 6 Battalions of Native Infantry, 1 complete Company of European Artillery, and 1 Company of Pioneers, with the usual proportion of Field-pieces attached, and with the proper equipment of warlike stores and ammunition ; which Force shall be accordingly stationed in perpetuity in the Maharajah's Territories. It is moreover agreed, that with the reserve of 2 Battalions of Sepoys, which are to remain near His Highness's Person, the residue of the Force shall be posted in such a situation, near the south bank of the Nerbudda, as may be chosen by the British Government, and with liberty to move in any direction necessary through His Highness's Territories ; as well as to have the privilege of changing its position in case it should be so determined on, the Maharajah's Government being previously consulted in the latter case. In the event, however, of its being deemed advisable by the British Government, at any time, that one of the 2 Battalions of Sepoys, which it is above provided are to remain near His Highness's Person, should join the Force stationed near the Nerbudda, the said Maharajah will make no objection ; but the Force near His Highness's Person shall never consist of less than 1 Battalion.

V. The Maharajah hereby engages to pay to the Honourable Company, from His Highness's Treasury at Nagpore, according to

the under-mentioned equal and half-yearly instalments, punctually, and without demur or hesitation, the annual sum of 7 Lacks and 50,000 Nagpore Rupees, of the present standard value, being the estimated additional charge of the Field Establishment of the Force described in the preceding Article.

The following are the Instalments: *Rupees.*

1st. of December 375,000

1st. of June 375,000

Rupees 750,000

VI. The Contracting Parties will hereafter take into consideration, the expediency of commuting the pecuniary payment settled by the Vth Article, for a cession of Territory on the part of Maharajah Pursojee Bhoolah; and whatever arrangement may thus be determined on, by mutual consent, shall be adopted. In the event, likewise, of any failure or delay ever occurring in the punctual discharge of the sum in question, according to the instalments above specified, the British Government shall be entitled to require, and His Highness will without hesitation agree to cede, Territory in lieu of the whole of the Subsidy; the situation of which Territory will be then fixed according to mutual convenience. But it is understood, that the British Government claims no right to demand a cession of Territory, so long as the pecuniary payments are punctually discharged.

VII. Whenever it may be found expedient, for any temporary purpose, to employ within the Maharajah's Territory any Troops belonging to the Honourable Company, exceeding the amount of the Subsidiary Force as fixed by the IVth Article, no objections shall be made on the part of the Maharajah; and the British Government on its part engages, that the Maharajah shall not be charged with any additional expence on account of such extra Troops.

VIII. The Maharajah grants full permission, for the purpose of obtaining supplies of every description, for the use of the Subsidiary Force, in all parts of His Highness's Territory. Grain and all other articles of consumption and provisions, and all sorts of materials for wearing apparel, together with the necessary number of cattle, horses and camels, required for the use of the Subsidiary Force, shall be entirely exempted from duties; and the Commanding Officer and Officers of the said Subsidiary Force shall be treated in all respects in a manner suitable to the dignity and greatness of both States. The Subsidiary Force will at all times be ready to execute services of importance; such as the protection of the Person of the Maharajah, his Heirs and Successors; the overawing and chastisement of Rebels, or Exciters of disturbance, in His Highness's Dominions; and due correction of his Subjects or Dependents, who may withhold payment of the Sirkar's

just claims; but it is not to be employed on trifling occasions; nor, like Sebundy, to be stationed in the Country to collect the revenues, nor in levying contributions in the manner of Moolirkgeeree.

IX. Inasmuch as by the present Treaty, the British Government engages to maintain and defend the Rights and Territories of the Maharajah Pursojee Bhooslah, in the same manner as the Rights and Territories of the Honourable Company are now maintained and defended; and as the object of the present alliance is purely and exclusively of a defensive nature, the Maharajah consequently engages, never to commit any act of hostility or aggression against their Highnesses the Nizam and Peishwa, or any of the Honourable Company's Allies or Dependents, or against any other Power or State whatever; and in the event of differences arising, whatever adjustment the Company's Government, weighing matters in the scale of truth and justice, may determine, shall meet with full approbation and acquiescence.

X. As by the present Treaty, the union and friendship of the 2 States are so firmly cemented that they may be considered as one and the same, the Maharajah engages neither to commence nor to pursue in future any Negotiations with any other State whatever, without giving previous notice to, and entering into mutual consultation with, the Company's Government; and the British Government on its part, hereby declares, that it has no manner of concern with any of the Maharajah's Children, Relations, Dependents, Subjects or Servants, with respect to whom the Maharajah is absolute.

XI. Whereas it is incumbent on the Maharajah to be prepared to unite with the British Government, to the utmost extent of his power and resources, in the protection and defence of his Rights and Territories, against all external and internal Enemies; and whereas, by the IIIrd Article of this Treaty, the Maharajah engages not only to fulfil that obligation, but also to assist the British Government, as far as may be practicable, on occasions in which that Government may be compelled to exert its power in the defence of its own rights and those of its Allies; the Maharajah engages, with a view to fulfil these obligations, to maintain at all times in a state of efficiency and fit for active service, a Force consisting of not less than 3,000 Cavalry and 2,000 Infantry, with the necessary equipments of guns and warlike stores; which Force shall be employed, on occasions of actual service, in the manner that may be pointed out by the Officer commanding the British Subsidiary Force. In the same manner, in the event of any part of the Forces of the Maharajah being required to act, in conjunction with a British Force, beyond the Limits of His Highness's Territories, the former shall be employed under the orders and directions of the Commanding Officer of the latter. It is moreover declared, that in addition to the Force of Cavalry and Infantry which the Maha-

rajah is bound by this Article perpetually to maintain, His Highness will keep up as large a number of Troops as may be necessary, and as the resources of his Government may enable him to support; and that on all necessary occasions he will be ready to assist the British Government with the whole of his Forces.

XII. Maharajah Pursojee Bhooslah agrees to attend and conform to whatever advice and recommendation may, from time to time, be afforded by the British Resident at His Highness's Court, on all points connected with the due support and equipment of the Force, consisting of 3,000 Cavalry and 2,000 Infantry, which by the XIth Article, the Maharajah engages permanently to maintain; which advice and recommendation will extend to the regularity and sufficiency of the pay, and good quality of the accoutrements, horses, arms, &c., of the Troops composing the said Force, and to the general discipline of the whole. His Highness further agrees to afford, without excuse or hesitation, to the Resident, any evidence that he may at any time require, of the actual existence of the Force in question in a state of efficiency for active service; and, whenever the Resident may require it, His Highness will permit the said Force to be mustered, inspected, and reviewed, personally, either by the Resident or by the Officer Commanding the Subsidiary Force.

XIII. Inasmuch as by the present Treaty of Defensive Alliance, the ties of union are so closely drawn, that the interests of the 2 States are become identified, it is agreed, that on occasions on which it may be deemed expedient and necessary for the general defence of the Deccan, or for the suppression of disorders, the British Subsidiary Force serving with the Maharajah, shall be permitted, at the discretion of the British Government, to be employed in the Province of Berar in co-operation with the Subsidiary Force of Hyderabad, and also in other Territories adjacent to the Maharajah's Dominions; provided, however, that by such temporary employment of the Force stationed with the Maharajah, His Highness's Territories shall not be exposed to serious danger, and that the Force stationed near His Highness's Person, shall never be less than 1 Battalion of Sepoys.

XIV. The British Government agrees not to give aid or countenance to any discontented Subjects or Dependents of the Maharajah, or any Members of His Highness's Family, or Relations, or Servants of His Highness; who, in like manner, engages to refuse protection to any Person who may be in a state of rebellion against the British Government or its Allies, or to any Fugitives from their respective Territories.

XV. This Treaty, consisting of 15 Articles, being this day settled by Richard Jenkins, Esq. with Rajah Moodhojee Bhooslah, on the part of Maharajah Pursojee Bhooslah, Mr. Jenkins has delivered 1 Copy thereof in English, Mahratta and Persian, signed and sealed by himself, to the said Rajah Moodhojee Bhooslah, who on his part has

also delivered 1 Copy of the same, duly executed, with the Seal and Signature of Maharajah Pursojee Bhooslah, and with his own Seal and Signature; and Mr. Jenkins, by virtue of special authority given to him in that behalf by the Right Honourable the Governor-General in Council, hereby declares the said Treaty to be in full force from the date hereof, and engages to procure and deliver to His Highness, in the space of 40 days, a ratified Copy of the same, under the Seal of the Honourable Company, and the Signature of the Right Honourable the Governor-General in Council; on the delivery of which, the Treaty executed by Mr. Jenkins shall be returned. But the Subsidiary Force specified in the 14th Article, shall be immediately furnished by the Honourable Company, and all the other Articles of this Treaty shall be in full force from this time.

Signed, sealed and exchanged at Nagpore, the 27th day of May, in the year of our Lord 1816, answering to the 28th of Jumadoossanee, in the year of the Hejira 1231.

(L.S.) [MAHARAJAH PURSOJEE BHOOSLAH.]

(L.S.)

[MAHARAJAH MOODHOJEE BHOOSLAH APPA SAHIB.]

Ratified by His Excellency the Right Honourable the Governor-General in Council, at Fort William in Bengal, this 15th day of June, 1816.

J. ADAM, *Secretary to Government.*

No. 2.—Treaty with the Peishwa.—Poona, 13th June, 1817.

TREATY between the Honourable East India Company, and His Highness Bajee Row Raghoonath Row Pundit Purdhan, his Heirs, and Successors; concluded at Poona, on the 13th of June, by the Honourable M. Elphinstone, on the part of the Honourable Company; and by Moro Dixit, and Ballajee Luchun, on the part of the Row Pundit Purdhan, by virtue of Full Powers from their respective Governments.

WHEREAS a Treaty of general Defensive Alliance, consisting of 19 Articles, was concluded at Bassein, between the Honourable East India Company, and His Highness Row Pundit Purdhan Bahadur;* and whereas 7 Articles of Agreement, supplemental to the said Treaty, were agreed on at Poona between the same Powers:† and whereas certain disputes have since arisen, which it is the desire of both Parties to remove: with a view to adjusting the said disputes, and to the better fulfilment of the said Alliance, the following Treaty has been concluded between the 2 States:

ART. I. Whereas Trimbuckjee Dainglia, by the murder of Gun-

* 31st December, 1802.

† 6th December, 1803.

[1817—18.]

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gadbur Shastry, the Public Minister of the Guickwar State, rendered himself obnoxious to public justice, and it became the peculiar duty, both of the Honourable East India Company's Government, and that of His Highness Row Pundit Purdhan Bahadur, to inflict on him such punishment as might mark their detestation of his crimes, and deter others from committing the like atrocities: and whereas Trimbuckjee Dainglia has escaped from the custody of the Honourable East India Company's Government, to which he was made over by Row Pundit Purdhan Bahadur, and has since added to his crimes by assembling Banditti, and committing various acts of plunder and murder; His Highness Row Pundit Purdhan Bahadur, solemnly engages never to afford to the said Trimbuckjee any countenance or protection whatever, but to use his utmost efforts to seize and deliver him up to the Honourable East India Company: and until such time as the said Dainglia may be delivered up, the family of the said Dainglia are to remain as hostages in the hands of the Honourable Company's Government. His Highness Row Pundit Purdhan Bahadur also engages severely to punish all who participated in the said Trimbuckjee's rebellion, and who have not surrendered themselves according to His Highness's Proclamation.

II. All Articles of the Treaty of Bassein, and of the Supplemental Articles concluded at Poona, which are not contrary to the tenor of the present Engagement, are hereby confirmed.

III. By the XIth Article of the Treaty of Bassein, His Highness Row Pundit Purdhan Bahadur engages to dismiss all Europeans, Natives of States at war with Great Britain, who shall meditate injury towards the English. His Highness Row Pundit Purdhan Bahadur now engages never to admit into his Territories any Subject of any European or American Power whatever without the previous consent of the British Government.

IV. By the XVIIth Article of the Treaty of Bassein, His Highness Row Pundit Purdhan Bahadur engaged, neither to commence nor pursue in future any Negotiations with any Power whatever, without giving previous notice to, and entering into mutual consultation with, the Honourable East India Company's Government: in order to the more effectual fulfilment of this Article, His Highness Row Pundit Purdhan Bahadur hereby engages, neither to maintain Vakeels or other Agents at the Court of any Power whatever, nor to permit the residence of Vakeels or other Agents, from any Power whatever, at his Court. And His Highness further engages to hold no communication with any Power whatever, except through the Resident, or other Minister of the Honourable Company's Government, residing at His Highness's Court. And His Highness Row Pundit Purdhan Bahadur, hereby, for himself and for his heirs and successors, recognizes the dissolution, in form and substance, of the Mahratta Confederacy, and re-

renounces all connexion whatever with the other Mahratta Powers, whether arising from his former situation of Executive Head of the Mahratta Empire, or from any other cause. Nothing contained in this Article shall affect any rights which His Highness Row Pundit Purdhan Bahadur may possess over any Chiefs of the Mahratta State, between the rivers Nerbudda and Toombuddra, and to the west of the western frontier of His Highness the Nizam's Dominions, who are now in obedience to His Highness Row Pundit Purdhan Bahadur. His Highness, however, renounces all claims on the Rajah of Colapore, and on the Government of Sawunt Warree; and engages to advance no claims on the lands of their Highnesses Scindia, Holkar, the Rajah of Berar, and the Guickwar, which may be situated within the limits before mentioned.

V. His Highness Row Pundit Purdhan Bahadur specially renounces all future demands on His Highness Rajah Annund Row Guickwar Bahadur, whether resulting from the former supremacy of the said Row Pundit Purdhan Bahadur, as Executive Head of the Mahratta Empire, or from any other cause; but as various demands and papers of accounts, arising from certain unfinished transactions, subsist between the Government of His Highness Row Pundit Purdhan Bahadur, and the Government of the Rajah above-mentioned, which His Highness Row Pundit Purdhan Bahadur agreed, by the XIVth Article of the Treaty of Bassein, to submit to the arbitration of the Honourable Company's Government, those demands are hereby declared to be in force, as far as relates to past times: but His Highness Row Pundit Purdhan Bahadur now consents, that in the event of the payment of the annual sum of 4 lacks of rupees, by Rajah Annund Row Guickwar Bahadur, the above agreement shall be set aside, and the said Rajah shall be discharged from all claims whatever on the part of the said Row Pundit Purdhan Bahadur: In case His Highness Rajah Annund Row Guickwar Bahadur should not consent to the payment of the annual sum of 4 lacks of rupees, then the agreement above-mentioned, which forms part of the XIVth Article of the Treaty of Bassein, shall remain in force, and binding on both Parties; but His Highness Row Pundit Purdhan Bahadur hereby distinctly renounces all future claims on His Highness Rajah Annund Row Guickwar Bahadur.

VI. In the IVth Supplemental Article to the Treaty of Bassein it is agreed, that in time of War His Highness Row Pundit Purdhan Bahadur shall appoint and furnish 5,000 Cavalry, and 3,000 Infantry, with a due proportion of Ordnance and Military Stores, to join and act with the British Subsidiary Force; and in addition thereto, His Highness agrees to employ in the War such further Force as he shall be able to bring into the field: that Article is hereby annulled, and, in lieu thereof, it is agreed, that His Highness

Row Pundit Purdhan Bahadur shall place at the disposal of the British Government, sufficient funds for the payment of a Force of 5,000 Cavalry and 3,000 Infantry, and the provision of a due proportion of Ordnance and Military Stores; on the fulfilment of which engagement, the British Government shall have no further claim to the services of the contingent above-mentioned. But His Highness Row Pundit Purdhan Bahadur shall still be bound, as formerly, to co-operate in the War, with such a Force as he may be able to bring into the field; the Honourable Company in the same manner engaging to employ, in active operations against the Enemy, the largest Force which they may be able to furnish over and above the Subsidiary Force.

VII. To enable the British Government to supply the place of the contingent above-mentioned, His Highness Row Pundit Purdhan Bahadur hereby assigns and cedes in perpetuity, to the Honourable Company, all the Territories and Rights detailed in the Schedule annexed to this Treaty; and His Highness expressly renounces all claims and pretensions, of whatever description, on the Countries enumerated in the said Schedule, and all connection with the Chiefs and Boomeas of those Countries.

VIII. As it may be found that certain of the Territories, ceded by the foregoing Article, may be inconvenient from their situation, His Highness Row Pundit Purdhan Bahadur, for the purpose of rendering the Boundary Line a good and well-defined one, agrees that such exchanges of Talooks and Lands shall be made hereafter, on the terms of a fair valuation of their respective revenues, as the completion of the said purpose may require; and it is agreed and covenanted that the Territories to be assigned and ceded to the Honourable Company by the VIIth Article, or in consequence of the exchange stipulated eventually in this Article, shall be subject to the exclusive management and authority of the said Company or their Officers.

IX. His Highness Row Pundit Purdhan Bahadur will immediately issue the necessary Purwannahs or Orders to His Highness's Officers, to deliver over charge of the Districts ceded by the VIIth Article, to the Officers of the Honourable Company; and it is hereby agreed and stipulated, that all collections made by His Highness's Officers, subsequently to the commencement of the Hindoo year, answering to the 5th of June, 1817, A. D., shall be carried to the credit of the Honourable Company; and all claims to balances from the said Districts, referring to a period antecedent to the conclusion of this Treaty, shall be considered as null and void.

X. All Forts situated within the Districts ceded as aforesaid, shall be delivered to the Officers of the Honourable Company with the said Districts; and His Highness Row Pundit Purdhan Bahadur engages

that the said Forts shall be delivered to the Honourable Company without being injured or damaged.

XI. It is further agreed, that if disturbances shall at any time break out in the Districts ceded to the Honourable Company by this Agreement, His Highness Row Pundit Purdhan Bahadur shall permit such a proportion of the Subsidiary Troops as may be requisite, to be employed in quelling the same within the said Districts.

XII. His Highness Row Pundit Purdhan Bahadur, on his own part, and on the part of his Heirs and Successors, hereby cedes to the Honourable East India Company, in perpetual Sovereignty, the Fort of Ahmednuggur, together with as much of the adjoining Country as may be within 2,000 yards of the Fort, measured from the foot of the glacis. His Highness Row Pundit Purdhan Bahadur engages to furnish such pasture Lands as may be required for the use of the Subsidiary Force, at the most convenient place adjoining the Cantonments of the different Divisions of the said Force; and although, by the spirit of the Treaty of Bassein, the British Government is already entitled to send such Troops into His Highnesses Territories as may appear requisite for the fulfilment of the terms of that Treaty; yet, to remove all doubts on that point, His Highness Row Pundit Purdhan Bahadur further engages to admit the residence within his Dominions of any number of British Troops, in addition to the Subsidiary Force that the British Government may think necessary, and to permit all British Troops to pass through all parts of his Dominions without obstruction, provided that nothing in this Article is to entitle the British Government to make any demand on His Highness for the expence of the additional Troops so residing.

XIII. His Highness Row Pundit Purdhan Bahadur, hereby cedes to the Honourable East India Company all his rights, interests, or pretensions, feudal, territorial, or pecuniary, on the Province of Bundelcund, including Saugor, Jansi, and the lands held by Nana Govind Row, and agrees to relinquish all connection with the Chiefs in that quarter.

XIV. His Highness Row Pundit Purdhan Bahadur, for himself and for his Heirs and Successors, hereby cedes to the Honourable East India Company all his rights and Territories in Malwa, which were secured to him by the XIth Article of the Treaty of Sirjee Anjengaum;* and generally all rights and pretensions of every denomination which he may possess in the Country to the North of the River Nerbudda, excepting those which he possesses in the Province of Guzerat; and engages never more to interfere in the affairs of Hindoostan.

XV. His Highness Row Pundit Purdhan Bahadur, formerly rented his share of the City and Province of Ahmedabad, including the tribute of Kattiwar to Bhugwunt Row Guickwar, at the rate of 4½ lacks of rupees per annum, and granted a Sumnud to that effect, under

* 30th December, 1803.

date the 27th Jemadee ul Akhir, A. H. 1206. The tribute of Kattiwar, formerly comprehended in that Farm, has been ceded to the British Government by the VIIth Article of the present Treaty. His Highness now agrees to grant the remainder of the said Farm in perpetuity to His Highness Rajah Annund Row Guickwar Bahadur, and to his Heirs and Successors, on the same terms as those contained in the above mentioned Sunnud, dated 27th of Jemadee ul Akhir, A. H. 1206, except the terms contained in the II^d, VIIIth, XIth, and XVth Articles, which are hereby abrogated and annulled. In consideration of the greatness of the actual Revenue of the City and Province of Ahmedabad, and likewise of the loss to which His Highness Row Pundit Purdhan Bahadur has already been subjected by his renunciation of all future claims on His Highness Rajah Annund Row Guickwar Bahadur, and by his accepting an annual payment of 4 lacs in the lieu of all claims actually due up to the present day; it is agreed that the former sum of $4\frac{1}{2}$ lacs of rupees shall still be paid for the Farm of Ahmedabad, notwithstanding the separation of the tribute of Kattiwar.

XVI. Whereas certain Articles of Agreement, (6 in number) regarding the settlement of the Southern Jaggeerdars, were presented by the Resident at Poona to His Highness Row Pundit Purdhan Bahadur, on the 6th of July, 1812, A. D., to which (after a modification suggested by His Highness, and submitted to him on the 7th of the same month,) His Highness gave his entire consent. Those Articles are hereby recognized, and declared to be binding on both Parties, as much as if they formed part of the present Treaty: and whereas various disputes have arisen regarding the muster of the Troops of the said Jaggeerdars, and the manner and periods of their service, His Highness Row Pundit Purdhan Bahadur, hereby agrees to be guided entirely by the advice of the British Government with regard to those Subjects, and to issue no Orders to the Jaggeerdars without full concert with the British Government. His Highness hereby agrees to restore to the said Jaggeerdars any of the Lands included in their Sunnuds which may now be in His Highness's possession; and in consideration of the recommendation of the British Government, His Highness hereby consents to restore to Madhoo Row Rastria, the Jaggeer formerly held by him, and resumed in the year 1814, and to permit him to hold that Jaggeer as formerly, under the guarantee of the British Government.

XVII. The Fort and Territory of Mailghaut having been taken possession of by the Troops of His Highness Row Pundit Purdhan Bahadur, without concert of the British Government, and His Highness's occupation of that Fortress having since occasioned various inconveniences to the other Allies; His Highness Row Pundit Purdhan Bahadur engages to withdraw his Troops from Mailghaut, and be

hereby renounces all claims and pretensions to the said Fort and Territory, and to all other Territories occupied by his Troops during the Expedition of 1811.

XVIII. This Treaty, consisting of 18 Articles, being this day settled and concluded at Poona, by the Honourable M. Elphinstone, Moro Dixit, and Ballajee Luchun; Mr. Elphinstone has delivered to His Highness the Peishwa, a Copy of the same in English, Persian, and Marhatta, under the Seal and Signature of the said Honourable M. Elphinstone; and His Highness the Peishwa has delivered to the said Honourable M. Elphinstone another Copy also in English, Persian, and Marhatta, bearing His Highness's Seal. And the Honourable M. Elphinstone aforesaid, has engaged to procure and deliver to His Highness (without delay) a Copy of the same duly ratified by His Excellency the Most Noble Francis Marquis of Hastings, K. G., Governor-General, &c. &c. in Council; on the receipt of which by His said Highness, the present Treaty shall be deemed complete and binding on the Honourable East India Company, and on His Highness the Peishwa; and the Copy now delivered to his said Highness shall be returned.

(L.S.) M. ELPHINSTONE.

(L.S.) [MORO DIXIT.]

(L.S.) [BALLAJEE LUCHUN.]

Schedule of the Lands and Revenues ceded in perpetuity by His Highness Row Pundit Purdhan Bahadur, to the Honourable East India Company, by virtue of the VIIth Article of the preceding Treaty, amounting to 34 lacks of rupees.

LANDS and Revenues to be made over immediately: the Districts of Bailapoor Aulgong, and Cullean, and all the Territories possessed by His Highness Row Pundit Purdham Bahadur, situated to the North of those Districts as far as Guzerat, and lying between the Ghants of the Syadree Mountains and the Sea.

All the rights and Territories possessed by His Highness Row Pundit Purdhan Bahadur in Guzerat, with the exception of Ahmedabad Oolpar, and the annual payment due by the Guickwar.

The tribute of Kattiwar estimated, after deducting the expence of collections, at 4 lacks of rupees.

The Territories of Darwar and Koosigul. The above Territories are to be made over immediately: the necessary expences of the management of the said Districts are then to be ascertained and deducted from the gross revenue; the remaining revenue is to form part of the 34 lacks stipulated for in the VIIth Article; and the Territory required to complete that amount is to be ceded in the Carnatic, in such situations as may be most convenient to the Honourable

East India Company's Government, with a view to the preservation of a distinct Boundary Line.

Whatever collections may have been made by the Officers of His Highness Row Pundit Purdham Bahadur from the Districts to be made over immediately, or from those to be hereafter assigned in the Carnatic, subsequent to the commencement of the present Hindoo year, answering to the 5th of June, 1817, are to be repaid to the Officers of the Honourable East India Company, agreeably to the IXth Article of the Treaty.

For the purpose of ascertaining the amount of the Revenue of the Territories now made over, it is agreed, that the regular Accounts for the last 20 years shall be produced from the Records of His Highness Row Pundit Purdham's Government, within the period of 5 days.

Paper presented by the Resident at Poona to the Peishwa's Ministers, on the 6th of July, 1812, and accepted by His Highness on the 7th.

ART. I. His Highness the Peishwa will take no notice of past injuries, and will advance no pecuniary claims without the consent of the British Government.

II. The Jaggeerdars to retain possession of their Serinjaumy lands, as long as they serve His Highness the Peishwa with fidelity.

III. All lands and revenues which have been usurped, i. e. engaged without Sunnuds by the Jaggeerdars, to be restored to His Highness, the Peishwa.

IV. The Jaggeerdars to serve His Highness the Peishwa, according to their Gynaut Zaubitas, and to attend with their Contingents, when summoned by His Highness. The Peishwa will not give any promise to the Jaggeerdars, that shall limit his ancient right to summon them when he pleases, and retain them as long as he thinks fit; but he promises the British Government to employ them when the affairs of his Government require it, and to dismiss them according to the ancient usage, by the advice of the British Government, when their services are not required. His Highness also engages to treat the Jaggeerdars with the consideration to which they are entitled by former practice.

V. The British Government charges itself with the fulfilment of the conditions contained in the 4 Articles above written. If the Jaggeerdars shall not accept them, the English Government will enforce them by fair means, or by force, if necessary; and if they should finally reject them, the British Government will unite with the Peishwa in resuming their lands for His Highness. Should the Jaggeerdars give their consent to these engagements, at present, but hereafter refuse to comply with them, the British Government will join with the Peishwa in punishing them.

VI. The Peishwa's Government will not depart from any of the engagements into which the British Government may enter, in conformity to the preceding Articles; nor is any other Authority to interfere with the British Government in the present Negotiation.

[Ratified by the Governor-General in Council, on the 5th of July, 1817.]

No. 3.—Treaty of Friendship and Alliance with Nana Govind Row. Jalound, 1st November, 1817.

Engagement concluded between the British Government and Nana Govind Row.

Whereas, by a Treaty concluded between the British Government and His Highness the Peishwa, under date the 13th June, 1817, corresponding with the 14th Asser, 1874 Sumbut, the rights of Supremacy possessed by His Highness over Nana Govind Row, and the Lands in the Nana's immediate occupation, have been transferred to the British Government; and whereas, the British Government has consented, on certain considerations, to relinquish the Tribute and Military Service, which by virtue of that transfer it had acquired a right to demand from the Nana; and to constitute the Nana the hereditary Ruler of the Lands at present in his actual possession; the following Articles have accordingly been concluded by mutual consent, between the British Government and the said Nana Govind Row.

ART. I. All the Articles of the Engagement contracted with the Nana Govind Row, by Colonel John Baillie, on the part of the British Government, under date the 3rd day of October, 1806, corresponding with the 10th of Shabun, 1221 Hijree, and the 11th of Koor Sood, 1863 Sumbut, shall remain in full force, excepting in as far as they are now altered by this Treaty.

II. The British Government hereby relinquishes for ever its right to Tribute and Military Service from Nana Govind Row, his Heirs and Successors. The British Government moreover acknowledges, and hereby constitutes, Nana Govind Row, his Heirs, and Successors, the hereditary Rulers of the Territory at present in the Nana's actual possession.

III. The British Government further engages to protect the aforesaid Possessions of the Nana from the aggressions of any Foreign Power; and it is accordingly hereby agreed between the Contracting Parties, that whenever the Nana shall have reason to apprehend a design on the part of any Power to invade his Territories, whether in consequence of any disputed Claim, or on any other ground, he shall report the circumstances of the case to the British Government, which will interpose its mediation for the adjustment of such disputed Claim;

the Nana, relying on the justice and equity of the British Government, agrees implicitly to abide by its award. If the apprehended aggression be referable to any other cause, the British Government will endeavour by representation and remonstrance to avert the design; and if, notwithstanding the Nana's acquiescence in the award of the British Government, the other Party shall persist in its hostile designs; and the endeavours of the British Government shall fail of success, such measures will be adopted for the protection of the Nana's Territories as the circumstances of the case may appear to require.

IV. Nana Govind Row hereby cedes to the British Government, in perpetual Sovereignty, the whole of the lands of the Elakeh of Kundeh, appertaining to the Pergunnah of Mohubuk, circumscribed by the Territories of the British Government; and also certain Villages on the banks of the River Jumna, appertaining to the Pergunnah of Choorkee, and intermixed with the Honourable Company's Lands of Bhudank and Raepoor, including Mal Sayer, Charity and Rent Free Lands of every description, agreeably to a Schedule subjoined to the Treaty. The Nana accordingly engages, that the aforesaid Lands shall be given up to the Officers of the British Government immediately on demand; but with a view to the satisfaction of certain Claims upon the Nana, for which some of those Lands are pledged, the British Government hereby agrees to grant to the Nana, the Revenue of those Lands to be paid in cash, up to the end of Assur next, corresponding with July, 1818. The current Revenue, after deducting the expence of collection, the outstanding balances, and the advances of Tuccavie, which may be justly demandable up to the end of Assur next, according to the regulations of the British Government, shall accordingly be collected by the British Revenue Officers, and paid to the Nana monthly.

V. If at any time the Nana have any cause of complaint against any of the Rajahs or Chiefs, allied to the British Government, the Nana engages to refer the case to the arbitration and decision of that Government, and to abide implicitly by its award; and on no account to commit aggression against the other Party; or to employ his own Force for the satisfaction of such claim, or for the redress of the grievance of which he may complain.

VI. Nana Govind Row hereby engages to abstain from corresponding with Foreign Powers, excepting with the privity and consent of the British Government.

VII. With a view to facilitate the adjustment of Boundary disputes between the Subjects of the Nana and those of the British Government, and to avoid the delay of a reference to the Nana, the Nana hereby engages to require all his Aumils, and other Officers on the

Frontier, to comply immediately with any orders they may receive from the Superintendent of Political Affairs, for causing the attendance of Parties and Witnesses, or for any other purpose connected with the adjustment of Boundary disputes, without waiting the result of a reference to him. The Nana further agrees, to give ready and due attention to all suggestions from the Superintendent respecting the punishment of any of his Subjects who may be convicted before the Superintendent of violence and aggression towards the British Subjects. With a further view to avert disputes respecting the new Boundary which will be formed between the lands now ceded by the Nana, and those to which they are contiguous, it is hereby agreed that actual possession, at the date of this Treaty, shall be held to be the criterion for the settlement of all disputes which may arise respecting the aforesaid Boundary; and that no retrospective claim, founded on former possession, shall be sustained on either side.

VIII. The British Government hereby engages to contract no engagements with Row Benaick Row, the manager of Saugor, or with the Bhasek Sahibah, detrimental to the claims and rights of the Nana in the Country of Saugor. The British Government moreover offers hereafter to interpose its good offices with a view to bring about a satisfactory adjustment of the differences between Nana Govind Row and the Manager of the Country of Saugor.

IX. Whenever the British Government may have occasion to send its Troops through the Territory of Nana Govind Row, or to station a British Force within his Territories, it shall be competent to the British Government so to detach or station its Troops, and the Nana shall give his consent accordingly. The Commander of the British Troops which may thus eventually pass through or permanently occupy a position within the Nana's Territories, shall not in any manner interfere in the internal concerns of the Nana's Government. Whatever materials or supplies may be required for the use of the British Troops during their continuance in the Nana's Territories, shall be readily furnished by the Nana's Officers and Subjects, and shall be paid for at the price current of the Bazaar.

X. This Treaty, consisting of 10 Articles, having this day been concluded between the British Government and Nana Govind Row, through the agency of John Wauchope, Esquire, in virtue of Powers delegated to him by the Most Noble the Governor-General on the one part, and Abba Bulwunt Row, the Vakeel of the said Nana Govind Row, on the other; Mr. Wauchope and the said Vakeel signed and sealed 2 Copies of the Treaty in English, Persian, and Hindoo, 1 of which, after being ratified by the Seal and Signature of the Most Noble the Marquess of Hastings, Governor-General, will be returned To-morrow to the said Vakeel, and the said Vakeel having obtained the

Ratification of the Nana to the other Copy, engages to deliver it within the same time to Mr. Wauchope.

Signed, sealed, and exchanged at Jalound, on the 1st day of November, 1817, corresponding with 7th of Kautck, 1874 Sumbut, and 20th of Zectig 1232 Hijree.

(L.S.)

J. WAUCHOPE, *Sup. Pol. Affairs.*

(L.S.)

(NANA GOVIND ROW.)

HASTINGS.

Ratified by His Excellency, the Governor General, in Camp, near Nud-deeka Gong, this 3rd day of November, 1817.

GEORGE SWINTON,

Pers. Sec. to Government.

Schedule of 44 Villages, composing the Elckah of Khemdah, and certain Villages on the banks of the River Jumna, belonging to the Pergunnah of Choorkee with their Dependencies, ceded to the British Government by Nana Govind Row, according to the IVth Article of the preceding Treaty.

Kemdah, Chundee Roozroog, Marowly, Achround, Serowly, Cup-sah, Futtehpore, Echowly, Akbye, Utgurh, Khyror, Puchpehnah, Gunywah, Resoye, Borbye, Kuhreh, Bhauguh, Berwonly, Rutwah, Rewan, Bhommye, Choonwur Rhaneh, Churka, Ladar, Goorah, Mawey, Soonucheh, Sersee Kunal, Sursee Khoond, Archye Poorah, Gossyaree, Jegnowrah (rent free,) Kerohee, Khuncervah, Khoolkunnah, Kunbah, Kymabkhur, Agreetha, Elkrun, Bhumany, Tendo-hee, Khoondoheh, Noorpoor, Guhburah.

Villages belonging to the Pergunnah of Choorkee on the banks of the Jumna :

Sohee with Joyrajpoore, Jekeree, Jararree, Maimpoor.

J. WAUCHOPE, *Sup. Pol. Affairs.*

(L.S.) (NANA GOVIND ROW.)

GEO. SWINTON,

Pers. Secretary to Government.

No. 4.—*Treaty of Concert and Alliance with Dowlut Row Scindia.—Gwalior, 6th November, 1817.*

TREATY of Concert and Alliance between the Honourable the English East India Company, and Maharajah Alijah Dowlut Row Scindia Behauder, and his Children, Heirs and Successors; settled on the part of the Honourable Company by Captain Robert Close, by virtue of Full Powers to that effect vested in him by His Excellency the Most Noble Francis Marquess of Hastings, Knight of the Most Noble Order of the Garter, one of His Britannic Majesty's Most

Honourable Privy Council, Governor General, appointed by the Honourable Company to direct and control all their Affairs in the East Indies, Commander-in-Chief of His Majesty's and the Honourable Company's Forces, &c. &c. &c.: and on the part of His Highness Dowlut Row Scindia, by Ram Chundur Bhaskur, duly empowered by His Highness to that effect.

WHEREAS the British Government, and Maharajah Alijah Dowlut Row Scindia Behauder, are mutually actuated by a desire to suppress the predatory power of the Pindarries, and to destroy and prevent the revival of the predatory system in every part of India; the following Articles have been agreed on, for the purpose of giving effect to the mutual wishes of the 2 States.

ART. I. The Contracting Parties engage to employ the Forces of their respective Governments and of their Allies and Dependents, in prosecuting operations against the Pindarries, and any other Bodies of associated Freebooters; to expel them from their haunts, and to adopt the most effectual measures to disperse and prevent them from re-assembling. With this view, the Forces of the 2 Governments and their respective Allies will immediately attack the Pindarries and their Associates, according to a concerted plan of operations, and will not desist until the objects of this engagement are entirely accomplished. The Maharajah further agrees to employ his utmost efforts to seize the persons of the Pindarry Leaders and their Families, and deliver them up to the British Government.

II. The Pindarry Hordes having established themselves in the Territories of the Maharajah and other neighbouring States, it is hereby agreed, that, on their expulsion, such of the Lands occupied by them as heretofore belonged to the Maharajah shall be immediately resumed by His Highness, who engages never to re-admit them to possession. Such of the Lands now occupied by the Pindarries as belong to other States, shall be restored to their rightful Proprietors, provided they shall have exerted themselves to the extent required in expelling the Pindarries, and shall engage never to re-admit them, or in any way to connect themselves with those Freebooters. Those Lands shall otherwise be delivered over to Maharajah Dowlut Row Scindia, and be held by him on the same conditions.

III. Maharajah Dowlut Row Scindia hereby engages never to re-admit the Pindarries, or any other predatory Bodies into his Territories, or in any manner to give them the smallest countenance or support, or to permit his Officers to do so; on the contrary, His Highness promises to issue the most positive orders to all his Officers, civil and military, and to enforce them by the severest penalties, to employ their utmost efforts to expel or destroy any Bodies of Plunderers who may attempt to take refuge in His Highness's Territories. All Officers disregarding His Highness's Orders are to be considered and dealt with

as Rebels to the Maharajah, and Enemies of the British Government.

IV. Maharajah Dowlut Row Scindia is the undisputed Master of his own Troops and resources. With a view, however, to the more effectual accomplishment of the objects of this Treaty, His Highness agrees, that the Divisions of his Troops (which taken together shall amount to 5,000 horse) employed in active operations against the Pindarries or other Freebooters, shall act in concert with the British Troops, and in conformity to the plan that may be counselled by the Officer commanding the British Divisions, with which His Highness's Troops may be appointed to act in concert. With the same view it is agreed, that a British Officer shall be stationed with each Division of the Maharajah's Troops, to be the channel of communication between them and the British Commanding Officer; and to forward the other purposes of their conjunct operations, His Highness engages, that all his Officers, Civil and Military, shall afford every degree of support and assistance in their power, in procuring supplies or otherwise to the British Troops operating in his Territory; and any failure in this respect shall subject the offending party to be considered and treated as a Rebel to his Highness, and an Enemy of the British Government.

V. Maharajah Dowlut Row Scindia engages, that the Divisions appointed to act in concert with the British Troops shall be maintained in a state of complete equipment, both men and horses, and regularly paid. In order to provide effectually for the latter object, in such a manner as shall prevent all future discussions or disputes, His Highness consents to renounce, for the next 3 years, the payments now made by the British Government to him, as well as to certain Members of his Family and Ministers of his Government, and that those sums shall be disbursed towards the payment of His Highness's Troops, through the British Officers stationed with them; and the British Government agrees, at the conclusion of the War, and after His Highness's Troops shall have received what may be due to them, to pay any balance that may remain, to His Highness. With the same view, the Maharajah Dowlut Row Scindia likewise consents to relinquish in the fullest manner, to the British Government, for a period of 2 years, the tribute which he is entitled to receive from the States of Joudpore, Boondée and Kotah.

VI. It is agreed, that the Troops of Maharajah Dowlut Row Scindia, Cavalry, Infantry, and Artillery, shall occupy, during the War, such positions as shall be designated by the British Government, and shall not change them without the express concurrence of that Government, any unconcerted movements being calculated to derange the joint operations of the Forces of the 2 States, and to give advantage to the Enemy. It is also agreed, in order to ensure the due execution of the Stipulation contained in this Article, that the British Govern-

ment shall be at liberty to station an Officer in each of the Divisions of the Maharajah's Army above mentioned.

VII. The Force that will be put in motion by the British Government, and that actually in the Service of Maharajah Dowlut Row Scindia, being fully sufficient to chastise the Pindarries, and effect the objects of the present Treaty, His Highness agrees, in order to prevent the possibility of collusion between his Officers and the Pindarries, not to augment his Forces during the War, without the concurrence of the British Government. His Highness expressly engages to prohibit his Officers from admitting into the ranks of his Army, or otherwise harbouring or protecting the Pindarries, or other Freebooters; and all Persons neglecting or disobeying these Orders, are to be considered and treated as Rebels to His Highness, and Enemies of the British Government.

VIII. With a view to the more effectual prosecution of the joint operations of the 2 Governments, and to the facility and security of the communication of the British Troops with their supplies, the Maharajah, reposing entire confidence in the friendship and good faith of the British Government, agrees that British Garrisons shall be admitted into the Forts of Hindia and Aseergurh, and shall be charged with the care and defence of those Forts during the War, and shall have the liberty of establishing depôts within them. The Flag of Dowlut Row Scindia shall, however, continue to fly in the Fort of Aseergurh, and His Highness shall be at liberty to station a Killedar, with a personal Guard of 50 men, in the said Fort; but it is clearly understood that the actual command of that Place, as well as of Hindia, and the disposal of the warlike stores that may be found in those Forts, shall be vested exclusively in the British Commanding Officers. Any part of those stores that may be damaged or expended while the Forts in question are occupied by the British Troops, shall be accounted for, and the value made good to His Highness. For the more effectual performance of this stipulation, Inventories shall be taken by Officers, on the part of both Governments, at the time of the occupation of the Forts by the British Government. The present Garrisons, with the exception above stated in regard to Aseergurh, shall move out of the Forts. The Maharajah will thenceforward have no further concern with the Sebundies of the Garrisons, but His Highness's other Troops, including the Paegah, &c., shall encamp at such Places as may be prescribed by the British Officers, in conformity to the provisions of the VIth Article. The Territories depending on the Forts above mentioned, will continue to be managed by the Officers of the Maharajah, who will receive every support from the British Government and its Officers. The whole or such portion of the Revenues as may be necessary, shall be appropriated to the payment of the Maharajah's Troops acting in concert with the British Divisions, as stipulated in the

Vth Article ; and a faithful account of the whole shall be rendered to His Highness after the conclusion of the War. The 2 Forts above mentioned, and the Territories dependent on them, will be restored to the Maharajah, as soon as the operations against the Pindarries, or their Confederates, shall be brought to a termination, in the same condition in which they may be delivered up to the British Government. All private property will be respected, and the Inhabitants of the Towns or Villages depending on the Forts, will enjoy the protection of the British Government, or be permitted to depart with their property, if they think proper.

IX. The main object of the Contracting Parties being to prevent for ever the revival of the predatory system in any form, and both Governments being satisfied, that to accomplish this wise and just end, it may be necessary for the British Government to form engagements of friendship and alliance with the several States of Hindoostan, the VIIth Article of the Treaty of the 22nd of November, 1805, by which the British Government is restrained from entering into Treaties with certain Chiefs therein specified, is hereby abrogated and annulled : and it is declared, that the British Government shall be at full liberty to form engagements with the States of Odepoor, Joudpore and Kotah, and with the State of Boondée, and other substantive States on the left bank of the Chumbul. Nothing in this Article shall, however, be construed to give the British Government a right to interfere with States or Chiefs in Malwan or Guzerat, clearly and indisputably dependent on, or tributary to the Maharajah ; and it is agreed, that His Highness's authority over those States or Chiefs shall continue on the same footing as it has been heretofore. The British Government further agrees and promises, in the event of its forming any engagements with the above-mentioned States of Odepoor, Joudpore, Kotah and Boondée, or with any others on the left bank of the Chumbul, to secure to Dowlut Row Scindia his ascertained tribute, and to guarantee the same in perpetuity, to be paid through the British Government : and Dowlut Row Scindia engages, on his part, on no account or pretence whatever, to interfere in any shape in the affairs of those States without the concurrence of the British Government.

X. If (which God forbid) the British Government and the Maharajah shall be compelled to wage war with any other State, on account of such State attacking either of the Contracting Parties, or aiding or protecting the Pindarries or other Freebooters, the British Government, having at heart the welfare of Dowlut Row Scindia, will, in the event of success, and of His Highness's zealous performance of his engagements, make the most liberal arrangements for the consolidation and increase of his Territories.

XI. Such parts of the Treaty of Surgee Anjengaum, and of the Treaty concluded on the 22d November, 1805, as are not affected by

the provisions of the present Engagement, remain in full force, and are mutually binding on the Contracting Parties.

XII. This Treaty, consisting of 12 Articles, having this day been concluded, subject to the Ratification of the Governor-General and the Maharajah, Alijah Dowlut Row Scindia, Captain Close engages to procure the Ratification of the Governor-General in 5 days from this date, or sooner if possible; and Ram Chunder Bhaskur engages to obtain His Highness's Ratification before sunset this evening.

Done at Gwalior, this 5th day of November, in the year of our Lord 1817, corresponding with the 24th day of Zehedge, 1232 of the Hijra, and with Buddee Yekaddussu of the month of Aswin, in the year 1218, of the Arabic Era.

(L. S.)

ROBERT CLOSE.

(L. S.)

[RAMCHUNDER BHASHKUR.]

(L. S.)

HASTINGS.

[Ratified by the Governor-General, in Camp, near Nudde Ka Gong, on the 6th November, 1817.]

No. 5.—Treaty of Friendship and Alliance with the Rajah of Kerowlee.—Delhi, 9th November, 1817.

TREATY between the Honourable English East India Company, and Maharajah Jud Kool Chanderbhol Hurbukshpol Der, Rajah of Kerowlee, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers from His Excellency the Most Noble the Marquess of Hastings, K. G., Governor-General, &c., and by Meer Ullee Koolla, on the part of the Rajah, in virtue of Full Powers from the said Rajah.

ART. I. There shall be perpetual friendship, alliance, and unity of interests between the British Government, on the one hand, and the Rajah of Kerowlee and his Descendants on the other.

II. The British Government takes under its protection the Dominions of the Rajah of Kerowlee.

III. The Rajah of Kerowlee acknowledges the supremacy of, and will co-operate with, the British Government for ever. He will not commit aggressions on any one. He will not enter into Negotiations with any one without the consent of the British Government. If by chance any dispute arise with any one, it shall be submitted to the arbitration and award of the British Government. The Rajah is absolute Ruler of his own Dominions, and the British jurisdiction shall not be introduced therein.

IV. The British Government spontaneously remits to the Rajah [1817—18.]

and his Descendants the Tribute which the Rajah used to pay to the Peishwa, and which has been ceded by the Peishwa to the British Government.

V. The Rajah of Kerowlee should furnish Troops at the requisition of the British Government according to his means.

VI. The present Treaty of 6 Articles having been settled at Delhi, and signed and sealed by Mr. Charles Theophilus Metcalfe and Meer Ullee Koolla, the Ratifications of the same by his Excellency the Most Noble the Governor-General and the Maharajah of Kerowlee, shall be delivered at Delhi, within 1 month from the present date, November 9, 1817.

(L. S.)

C. T. METCALFE.

(L. S.)

[MEER ULLEE KOOLA.]

(L. S.)

HASTINGS.

Ratified by his Excellency the Governor-General, in Camp, at Sulyah, this 15th day of November, 1817.

J. ADAM, *Secretary to the Governor-General.*

*No. 6.—Treaty of Friendship and Alliance with Nawab Umeer Khaun.
—Delhi, 9th November, 1817.*

ENGAGEMENT between the Honourable English East India Company and Nawab Umeer Oodula Mahummed Umeer Khaun, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers from his Excellency the Most Noble the Marquess of Hastings, K. G., Governor-General, and by Lalla Nurunjun Lal, on the part of the Nawab, in virtue of Full Powers from the said Nawab.

ART. I. The British Government guarantees to Nawab Umeer Khaun and His Heirs in perpetuity, the possession of the places which he holds in the Territories of Maharajah Holkar, under grants from the said Maharajah, and the British Government takes those Possessions under its protection.

II. Nawab Umeer Khaun will disband his Army, with the exception of such a portion as may be requisite for the internal management of his Possessions.

III. Nawab Umeer Khaun will not commit aggressions in any Country. He will relinquish his connexion with the Pindarries and other Plunderers, and will, moreover, co-operate to the utmost of his power with the British Government for their chastisement and suppression. He will not enter into Negotiations with any Person whatever without the consent of the British Government.

IV. Nawab Umeer Khaun will deliver up to the British Govern-

ment all his guns and military equipments, with the exception of such a portion as may be requisite for the internal management of his Possessions and the defence of his Forts, and shall receive in exchange an equitable pecuniary compensation.

V. The Force which Nawab Umeer Khaun may retain shall attend at the requisition of the British Government.

VI. This Engagement of 6 Articles having been concluded at Delhi, and signed and sealed by Mr. Charles Theophilus Metcalfe and Lalla Nurunjun Lal, the Ratifications of the same by his Excellency the Most Noble the Governor-General and Nawab Umeer Khaun, shall be delivered at Delhi within 1 month from the present date, November 9th, 1817.

(L. S.)

C. T. METCALFE

(L. S.)

[LALLA NURUNJUN LAL.]

(L. S.)

HASTINGS.

Ratified by his Excellency the Governor-General, in Camp, at Sulyah, this 15th day of November, 1817.

J. ADAM, *Secretary to the Gov.-Gen.*

No. 7.—Treaty of Friendship and Alliance with the Rajah of Simpthur.—Terai, 12th November, 1817.

ENGAGEMENT concluded between the British Government and Rajah Rungeet Sing, of Simpthur.

WHEREAS Rajah Rungeet Sing, Rajah of Simpthur, with a view to obtain the powerful protection of the British Government, presented, on the 22nd of February, 1805, corresponding with the 3rd of Phagoon, 1216 Fusly, to Colonel John Baillie, then Agent to the Governor-General in the Province of Bundelcund, a Wajibool Arz, or Paper of Requests, containing 6 distinct Articles, all of which were either complied with or answered. And whereas circumstances occurred some time afterwards to prevent that Preliminary Arrangement from terminating in a Definitive Treaty between the Honourable Company and the Rajah Runjeet Sing; and whereas the Rajah having since repeatedly and earnestly solicited to be placed under the protection of the British Government; and having, on several occasions, manifested his loyalty and attachment to it both by professions and acts; the British Government, relying on the continuance of those sentiments, and on the Rajah's strict adherence to whatever engagements he may form on the basis of a more intimate union of his interests with those of the Honourable Company, has now acceded to the Rajah's request; and the following Articles of a Treaty of Alliance are accordingly concluded between the British Government and Rajah Runjeet Sing, His Heirs and Successors.

ART. I. Rajah Runjeet Sing, Rajah of Simpthur, being hereby

admitted among the Allies of the British Government, engages to consider the friends of that Government as his friends, and its enemies as his enemies. He further engages to give no molestation to any Chief or State in amity with the British Government; but, considering all Persons who may be disaffected to that Government as his own enemies, he promises to afford no protection to them or their families in his Country, to hold no intercourse with them whatever, and to use every means in his power to seize and deliver them up to the Officers of the British Government.

II. The British Government, with a view to confirm the attachment and fidelity of the Government of Simpthur, hereby guarantees to Rajah Runjeet Sing, His Heirs and Successors, the Territory actually possessed by him at the period of the establishment of the British Government in Bundelcund, and now in his occupation; and the British Government hereby agrees to protect and defend the same from the aggressions of any Foreign Power.

III. The British Government having, by the terms of the foregoing Article, engaged to protect the Rajah of Simpthur from the aggressions of any Foreign Power, it is hereby agreed between the Contracting Parties, that whenever the Rajah shall have reason to apprehend a design on the part of any Foreign Power to invade his Territories, whether in consequence of any disputed Claims, or on any other ground, he shall report the circumstances of the case to the British Government, which will interpose its mediation for the adjustment of such disputed Claim; and the Rajah, relying on the justice and equity of the British Government, agrees implicitly to abide by its Award. If the apprehended aggression shall be referable to any other cause, the British Government will endeavour, by representation and remonstrance, to avert the design; and if, notwithstanding the Rajah's acquiescence in the Award of the British Government, the other Power shall persist in its hostile designs, and the endeavours of the British Government shall fail of success, such measures will be adopted for the protection of the Rajah's Territories as the circumstances of the case may appear to require.

IV. In consideration of the guarantee and protection extended by the 2 foregoing Articles to the Rajah of Simpthur, the Rajah hereby binds himself, at his own expence, to employ his Troops, whenever required to do so, in co-operation with those of the British Government, on all occasions in which the interests of the 2 Governments may be mutually concerned. On all such occasions the Simpthur Troops shall act under the orders and controul of the Commanding Officer of the British Troops.

V. If at any time the Rajah of Simpthur shall have any claim or cause of complaint against any of the Rajahs or Chiefs allied to, or dependent on, the British Government, the Rajah engages to refer the

case to the arbitration and decision of that Government, and to abide by its Award, and on no account to commit aggression against the other Party, or to employ his own Force for the satisfaction of such Claim, or for the redress of the grievance of which he may complain. On the other hand, the British Government engages to withhold its Allies or Dependents from committing any aggression against the Rajah of Simpthur, and to arbitrate any demand they may have upon the Rajah of Simpthur, according to the strict principles of justice ; the Rajah on his part agreeing implicitly to abide by its Award.

VI. The Rajah of Simpthur engages at all times to employ his utmost exertions in defending the roads and passes of his Country, against any enemies or predatory bodies who may attempt to penetrate through it into the Territories of the Honourable Company.

VII. Whenever the British Government may have occasion to send its Troops through the Dominions of the Rajah of Simpthur, or to station a British Force within his Territories, it shall be competent to the British Government so to detach or station its Troops, and the Rajah of Simpthur shall give his consent accordingly. The Commander of the British Troops, which shall thus eventually pass through, or permanently occupy a position within the Rajah's Territories, shall not in any manner interfere in the internal concerns of the Rajah's Government. Whatever materials or supplies may be required for the use of the British Troops during their continuance in the Rajah's Territories, shall be readily furnished by the Rajah's Officers and Subjects, and shall be paid for at the price-current of the Bazaar.

VIII. The Rajah engages never to entertain in his service any British Subject or European of any Nation or description whatever without the consent of the British Government.

IX. The Rajah of Simpthur hereby binds himself to maintain no correspondence with Foreign States, without the privity and consent of the British Government.

X. The Rajah engages to give no asylum to Criminals, nor to Defaulters of the British Government, who may abscond and take refuge within his Territory ; and should the Officers of the British Government be sent in pursuit of such Criminals and Defaulters, the Rajah further engages to afford such Officers every assistance in his power in apprehending them.

XI. This Treaty, consisting of 11 Articles, having this day been concluded between the British Government and Rajah Runjeet Sing, the Rajah of Simpthur, through the agency of John Wauchope, Esquire, in virtue of powers delegated to him by the Most Noble the Governor-General on the one part, and Dareas Sing, Vakeel of the said Rajah on the other, Mr. Wauchope and the Vakeel have signed and sealed 2 Copies of the Treaty in English, Persian, and Hindee, one of which, after being ratified by the Seal and Signature of the Most Noble the

Marquess of Hastings, Governor-General, will be delivered to-morrow to the said Vakeel ; and the said Vakeel having obtained the Ratification of the Rajah to the other Copy, engages to deliver it within the same time to Mr. Wauchope.

Signed, sealed, and exchanged, at Terait, on the 12th day of November, 1817, corresponding with the 18th Kautick, 1874 Sumbut, and 2nd of Mohurram, 1233, Hijree.

(L. S.) J. WAUCHOPE, *Superintendent of Pol. Affairs.*

(L. S.) [DAREAS SING.]

(L. S.) HASTINGS.

Ratified by His Excellency the Governor-General, in Camp, near Talgong, on the 13th day of November, 1817.

G. SWINTON, *Persian Secretary to the Government.*

No. 8.—Treaty of Friendship and Alliance with the Soobahdar of Jhansi.—Pepee, 17th November, 1817.

TREATY with Row Ram Chund the Minor Soobahdar of Jhansi.

WHEREAS a Treaty of Defensive Alliance was concluded between the British Government and the late Sheo Row Bhow, Soobahdar of Jhansi, under date the 6th of February, 1804, or 10th of Phagoon Boodee, 1860 Sumbut, when the said Soobahdar was in the condition of a Tributary to His Highness the Peishwa ; and whereas the rights of supremacy exercised by His Highness the Peishwa, over the Principality of Jhansi, having since that period been transferred to the British Government in virtue of the Treaty concluded between that Government and the Peishwa, under date the 13th of June, 1817, corresponding with the 14th Assur, 1874 Sumbut, and in consequence of that transfer, the relations established by the former Treaty between the British Government and Jhansi have become virtually extinct ; and whereas the British Government, in consideration of the very respectable character born by the late Soobahdar Sheo Row Bhow, and his uniform and faithful attachment to the British Government, and in deference to his wish expressed before his death, that the Principality of Jhansi might be confirmed in perpetuity to his Grandson Row Ram Chund Row, to be conducted during the minority of the said Row Ram Chund Row by Row Gopaul Row Bhow, Manager, nominated by the late Bhow, and confirmed by the British Government ; on these considerations, and in the confident reliance of the continuation of the same friendly disposition on the part of the Government of Jhansi, and of its strict adherence to the engagement comprised in this Treaty, the British Government has consented, on certain conditions, to constitute Row Ram Chund the Hereditary Chief of the Lands actually held by the late Row Sheo Bow at the com-

commencement of the British Government in Bundelcund, and now possessed by the Government of Jhansi. The following Articles have accordingly been concluded between the British Government and Row Ram Chund Row, under the direction and with the concurrence of the said Manager Gopaul Row Bhow.

ART. I. The Treaty concluded between the British Government and the late Sheo Row Bhow, under date the 6th of February, 1804, or 10th of Phagoon Boodee, 1860 Sumbut, is hereby confirmed, excepting such parts of it as are altered or rescinded by the provisions of this Treaty.

II. The British Government, with a view to confirm the fidelity and attachment of the Government of Jhansi, consents to acknowledge, and hereby constitutes, Row Ram Chund, His Heirs and Successors, Hereditary Rulers of the Territory enjoyed by the late Row Sheo Bhow at the period of the commencement of the British Government, and now in the possession of Row Ram Chund, excepting the Pergunnah of Mote, which being held by the Jhansi Government in mortgage from Rajah Behadur, will continue on its present footing until a settlement of the mortgage takes place between the Parties. The British Government further engages to protect the aforesaid Territory of Row Ram Chund from the aggression of Foreign Powers.

III. The British Government having, by the terms of the foregoing Article, engaged to protect the Principality of Jhansi from the aggressions of Foreign Powers, it is hereby agreed between the Contracting Parties, that whenever the Government of Jhansi shall have reason to apprehend a design on the part of any Foreign Power to invade its Territories, whether in consequence of any disputed claim, or any other ground, it shall report the circumstances of the case to the British Government, which will interpose its mediation for the adjustment of such disputed Claim, and the Jhansi Government, relying on the justice and equity of the British Government, agrees implicitly to abide by its Award. If the apprehended aggressions shall be referable to any other cause, the British Government will endeavour by representations and remonstrance to avert the design; and if, notwithstanding the Soubahdar's acquiescence in the Award of the British Government, the other Power shall persist in its hostile designs, and the endeavours of the British Government should fail of success, such measures will be adopted for the protection of the Soubahdar's Territories as the circumstances of the case may appear to require.

IV. In consideration of the guarantee and protection afforded by the 2 foregoing Articles to Row Ram Chund, the Chief of Jhansi, that Chief hereby binds himself to employ his Troops at his own expence, whenever required to do so, in co-operation with those of the British Government, on all occasions in which the interests of the 2

Governments may be mutually concerned; on all such occasions, the Jhansi Troops shall act under the controul of the Commanding Officer of the British Troops.

V. Row Ram Chund hereby agrees to submit to the Arbitration of the British Government all his disputes with other States, and implicitly to abide by its award.

VI. Row Ram Chund engages at all times to employ his utmost exertions in defending the roads and passes of his Country against any enemies, or predatory bodies, who may attempt to penetrate through it into the Territories of the Honourable Company.

VII. Whenever the British Government may have occasion to send its Troops through the Dominions of Row Ram Chund, or to station a British Force within his Territories, it shall be competent to the British Government so to detach or station its Troops, and Row Ram Chund shall give his consent accordingly. The Commander of the British Troops which may thus eventually pass through or permanently occupy a position within the Jhansi Territories, shall not in any manner interfere in the internal concerns of the Jhansi Government. Whatever materials or supplies may be required for the use of the British Troops, during their continuance in the Jhansi Territories, shall be readily furnished by Row Ram Chund's Officers and Subjects, and shall be paid for at the price-current of the Bazaar.

VIII. Row Ram Chund hereby binds himself to maintain no correspondence with Foreign States, without the privity and consent of the British Government.

IX. Row Ram Chund engages to give no asylum to Criminals, nor to Defaulters of the British Government, who may abscond and take refuge within his Territories; and should the Officers of the British Government be sent in pursuit of such Criminals and Defaulters, Row Ram Chund further engages to afford such Officers every assistance in his power in apprehending them.

X. This Treaty, consisting of 10 Articles, having this day been concluded between the British Government and Row Ram Chund, through the agency of John Wauchope, Esq., in virtue of powers delegated to him by the Most Noble the Governor-General, on the one part, and Nana Bulwant Row, the Vakeel, on the other, Mr. Wauchope and the said Vakeel have signed and sealed 2 Copies of the Treaty in English, Persian, and Hindee, one of which, after being ratified by the Seal and Signature of the Most Noble the Marquess of Hastings, Governor-General, will be returned to the said Vakeel, and the said Vakeel having obtained that of the Soobahdar to the other Copy, engages to deliver it within the same time to Mr. Wauchope.

Signed, sealed, and exchanged at Pepree, on the 17th day of

November, 1817, corresponding with the 24th Kautich, 1874 Sumbut, and 7th of Mohurram, 1233 Hijree.

(L. S.)

J. WAUCHOPE, *Supt. Pol. Affairs.*

(L. S.)

[NANA BULWANT ROW.]

(L. S.)

HASTINGS.

Ratified by His Excellency the Governor-General, in Camp, at Peepree, on the 8th day of November, 1817.

G. SWINTON, *Persian Secretary to Government.*

*No. 9.—Treaty of Friendship and Alliance with the Rajah of Kotah.
—Delhi, 26th December, 1817.*

TREATY between the Honourable the English East India Company on the one part, and Maha Rao Omed Sing Buhadur, the Rajah of Kota, and his Heirs and Successors, through Raj Rana Zalim Sing Buhadur, the Administrator of the Affairs of that Principality, on the other; concluded on the part of the Honourable English East India Company by Mr. Charles Theophilus Metcalfe, in virtue of Full Powers granted to him by His Excellency the Most Noble the Marquess of Hastings, K. G. Governor-General, and on the part of Maha Rao Omed Sing Buhadur, by Maharajah Sheodaun Sing, Sah Jeewun Ram, and Lala Hool Chund, in virtue of Full Powers granted by the Maha Rao aforesaid, and his Administrator the above-mentioned Raj Rana.

ART. 1. There shall be perpetual friendship, alliance, and unity of interests between the British Government, on the one hand, and Maha Rao Omed Sing Buhadur and his Heirs and Successors on the other.

II. The Friends and Enemies of either of the Contracting Parties shall be the same to both.

III. The British Government engages to take under its protection the Principality and Territory of Kota.

IV. The Maha Rao, and His Heirs and Successors, will always act in subordinate co-operation with the British Government, and acknowledge its supremacy; and will not henceforth have any connexion with the Chiefs and States with which the State of Kota has been heretofore connected.

V. The Maha Rao, and His Heirs and Successors, will not enter into Negotiations with any Chief or State without the sanction of the British Government. But his customary amicable correspondence with friends and relations shall continue.

VI. The Maha Rao, and His Heirs and Successors, will not commit aggressions on any one; and if any dispute accidentally arise with any one, proceeding either from acts of the Maha Rao, or acts of the other Party, the adjustment of such disputes shall be submitted to the arbitration of the British Government.

VII. The Tribute heretofore paid by the Principality of Kota to

the Marhatta Chiefs, for instance, the Peishwa, Scindia, Holkar, and Powar, shall be paid at Delhi to the British Government for ever, according to the separate Schedule annexed.

VIII. No other Power shall have any claim to Tribute from the Principality of Kota, and if any one advance such a claim, the British Government engages to reply to it.

IX. The Troops of the Principality of Kota, according to its means, shall be furnished at the requisition of the British Government.

X. The Maha Rao, and his Heirs and Successors, shall remain absolute Rulers of their Country, and the civil and criminal jurisdiction of the British Government shall not be introduced into that Principality.

XI. This Treaty of 11 Articles having been concluded at Delhi, and signed and sealed by Mr. Charles Theophilus Metcalfe on the one part, and Maharajah Sheodaun Sing, Sah Jeewun Ram, and Lalla Hool Chund, on the other, the Ratifications of the same by his Excellency the Most Noble the Governor-General and Maharao Omed Sing, and his Administrator Raj Rana Zalim Sing, shall be exchanged within a month from this date.

Done at Delhi, the 26th December, A. D. 1817.

(L. S.)	C. T. METCALFE, <i>Resident, &c. &c. &c.</i>
(L. S.)	[MAHARAJA SHEODAUN SING.]
(L. S.)	[SAH JEEWUN RAM.]
(L. S.)	[HOOL CHUND.]

No. 10.—Treaty of Peace with Mulhar Row Holkar.—Mundoseer, 6th January, 1818.

TREATY of Peace between the Honourable East India Company and His Highness Maharajah Mulhar Row Holkar, His Heirs and Successors, settled by Brigadier-General Sir John Malcolm, K. C. B. and K. L. S., Political Agent to the Most Noble the Governor-General, on the part of the Honourable East India Company, and Yantiah Jog, on the part of His Highness Mulhar Row Holkar. The said Brigadier-General Sir John Malcolm, acting under authority from His Excellency Lieutenant-General Sir Thomas Hislop, Bart., Commander in Chief of the Army of Fort St. George, and of the Army of the Deccan, himself invested with Full Powers and Authority from the Most Noble Francis Marquess of Hastings, K. G., one of His Britannic Majesty's Honourable Privy Council, Governor-General in Council, appointed by the Honourable Company to direct and controul their affairs in the East Indies, and the said Yantiah Jog only, invested with Full Powers on the part of His Highness Mulhar Row Holkar.

ART. I. Peace being established with the Maharajah Mulhar Row

Holkar, the Company's Government agree, that it will not permit any State, or any Freebooter to be unpunished, that shall commit any outrage or hostility against the Territories of the Maharajah Mulhar Row Holkar, the Maharajah agreeing on such occasion to lend his utmost assistance by the employment of his Troops, or in any other manner as may be requisite; and the British Government will at all times extend the same protection to the Territories of Mulhar Row Holkar as to its own.

II. Maharajah Mulhar Row Holkar agrees to confirm the Engagement which has been made by the British Government with the Nabob Ameer Khaun, and to renounce all claims whatever to the Territories guaranteed in the said Engagement by the British Government to the Nabob Ameer Khaun and his heirs.

III. The Purgunnahs of Pulepehar, Dug, Gungrala, Aoor, and others, rented by Rajah Golier Sing of Kotah, shall be ceded in perpetuity to that Chief by the Maharajah Mulhar Row Holkar, who renounces all claims whatever to these Purgunnahs.

IV. Maharajah Mulhar Row Holkar agrees to cede to the British Government all claims of Tribute and Revenues of every description which he has or may have had upon the Rajpoot Princes, such as the Rajahs of Oudepore, Jyepore, Joudpore, Kotah, Boondee, Kerowly, &c.

V. Mulhar Row Holkar renounces all right and title to any Territories such as Raampoorah, Bassunat, Rajepoorah, Ballacchah, Meemsar, all Indeghur, Boondee, Lackarie, Samoondah, Bamungaum, and other places within or north of the Boondee Hills.

VI. Maharajah Mulhar Row Holkar cedes to the British Government all his Territories and Claims of every description whatever within and south of the Santpoorah range of hills, including the Fort of Sindwah, with a glacis of 2,000 yards. Also all his Possessions in the Territory of Candeish, and those Districts, such as Amber, Ellora, and others, intermixed with the Territories of the Nizam and Peishwa.

VII. In consideration of the Cessions made by this Treaty, the British Government binds itself to support a Field Force to maintain the internal tranquillity of the Territories of Mulhar Row Holkar, and to defend them from Foreign Enemies. This Force shall be of such strength as shall be judged adequate to the object. It shall be stationed where the British Government determines to be best, and the Maharajah Mulhar Row Holkar agrees to grant some place of security as a deposit for stores.

VIII. The Maharajah grants full permission for the purchase of supplies of every description for any British Force acting in the defence of his Territories; grain, and all other articles of consumption, and provisions, and all sorts of materials for wearing apparel, together

with the necessary number of cattle, horses, and camels required for the use of such Force, shall be exempt from duties.

IX. Maharajah Mulhar Row Holkar engages never to commit any act of hostility or aggression against any of the Honourable Company's Allies or Dependents, or against any other Power or State whatever. In the event of differences arising, whatever adjustment the Company's Government, weighing matters in the scale of truth and justice, may determine, shall have the Maharajah's acquiescence. The Maharajah agrees not to send or receive Vakeels from any other State, or to have communication with any other State, except with the knowledge and consent of the British Resident.

X. The British Government hereby declares that it has no manner of concern with any of the Maharajah's children, relations, dependents, subjects or servants, with respect to whom the Maharajah is absolute.

XI. The Maharajah Mulhar Row Holkar agrees to discharge his superfluous Troops and not to keep a larger Force than his Revenues will afford. He however agrees to retain in his service ready to co-operate with the British Troops, a Body of not less than 3,000 horse, for whose regular payment a suitable arrangement must be made.

XII. The Maharajah engages, and the British Government guarantees the Engagement, to grant to Nabob Ghaffon Khaun, his present Jaidad of the Districts of Sunjeet, Mulhargurh, Taul, Mundawar, Jowrah, Barrode, the Tribute of Pelowda, the Syer of the whole. These Districts shall descend to his Heirs, on the condition that the said Nabob and his Heirs shall maintain, independent of the Sebundy for his Pergunnahs and his personal attendants, in constant readiness for service, a Body of 600 select horse, and further that this quota of Troops shall be increased in proportion to the increasing Revenue of the Districts granted to him.

XIII. Mulhar Row Holkar engages never to entertain in his service Europeans or Americans of any description, without the knowledge and consent of the British Government.

XIV. In order to maintain and enforce the relations of amity and peace hereby re-established, it is agreed that an accredited Minister from the British Government shall reside with the Maharajah Mulhar Row Holkar, and that the latter shall be at liberty to send a Vakeel to the Most Noble the Governor-General.

XV. All the Cessions made by this Treaty to the British Government or its Allies, shall take effect from the date of this Treaty, and the Maharajah relinquishes all claims to arrears from these Cessions. The Possessions lately conquered by the British Government shall be restored to the Maharajah. The Purwannahs for the mutual delivery of these Cessions shall be issued without delay, and the Forts ceded shall be given up with their Military Stores, and in all respects in their present condition.

XVI. The English Government engages that it will never permit the Peishwa (Sree Munt,) nor any of his Heirs and Descendants, to claim or exercise any Sovereign Rights or Power whatever over the Maharajah Mulhar Row Holkar, his Heirs and Descendants.

XVII. This Treaty, consisting of 17 Articles, has this day been settled by Brigadier-General Sir John Malcolm, acting under the direction of His Excellency Lieutenant-General Sir Thomas Hislop, Bart. on the part of the Honourable Company, and by Yantiah Jog, on the part of Mulhar Row Holkar. Sir John Malcolm has delivered 1 Copy thereof in English and Persian, signed and sealed by himself, to the said Yantiah Jog, to be forwarded to Maharajah Mulhar Row Holkar, and has received from the said Yantiah Jog a Counterpart of the said Treaty, signed and sealed by him.

Sir John Malcolm engages that a Copy of the said Treaty, ratified by the Most Noble the Governor-General, in every respect the Counterpart of the Treaty now executed by himself, shall be delivered to Yantiah Jog, to be forwarded to the Maharajah within the period of 1 month, and on the delivery of such Copy to the Maharajah, the Treaty executed by Sir John Malcolm, under the immediate directions of His Excellency Sir Thomas Hislop, shall be returned; and Yantiah Jog, in like manner engages that another Copy of the said Treaty, ratified by the Maharajah Mulhar Row Holkar, in every respect the Counterpart of the Treaty now executed by himself, shall be delivered to Sir John Malcolm, to be forwarded to the Most Noble the Governor-General within the space of 10 days from this date, and on the delivery of such Copy to the Most Noble the Governor-General, the Treaty executed by Yantiah Jog, by virtue of the Full Powers and Authority vested in him as above-mentioned, shall be returned.

Done at Mundoseer, this 6th day of January, 1818, on the 29th day of Saffer, in the year of the Hegira, 1233.

(L. S.)

JOHN MALCOLM.

(L. S.)

[YANTIAH JOG.]

No. 11.—Treaty of Friendship and Alliance with the Rajah of Joudpoor.—Dihlee, 6th January, 1818.

TREATY between the Honourable English East India Company, and Maharajah Maun Sing Buhadoor, Rajah of Joudpoor, represented by the Koowar Regent, Joograj Muharaj Koowar Chuttur Sing Buhadoor, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency, the Most Noble the Marquess of Hastings, K. G., Governor-General, and Byas Bishun Ram, and Byas Ubhee Ram, on the part of Maharajah Maun Sing Buhadoor, in virtue of Full Powers granted by the Maharajah and the Joograj Maharajah Koowar aforesaid.

ART. I. There shall be perpetual friendship, alliance, and unity of interests between the Honourable English East India Company, and Maharajah Maun Sing, and his Heirs and Successors, and the friends and enemies of one Party shall be the friends and enemies of both.

II. The British Government engages to protect the Principality and Territory of Joudpoor.

III. Maharajah Maun Sing, and his Heirs and Successors, will act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with other Chiefs and States.

IV. The Maharajah and his Heirs and Successors will not enter into Negotiation with any Chief or State, without the knowledge and sanction of the British Government, but his usual amicable correspondence with friends and relations shall continue.

V. The Maharajah and his Heirs and Successors, will not commit aggressions on any one. If by accident, disputes arise with any one, they shall be submitted to the arbitration and award of the British Government.

VI. The Tribute heretofore paid to Scindia by the State of Joudpoor, of which a separate Schedule is annexed, shall be paid in perpetuity to the British Government; and the Engagements of the State of Joudpoor with Scindia respecting Tribute shall cease.

VII. As the Maharajah declares that, besides the Tribute paid to Scindia by the State of Joudpoor, Tribute has not been paid to any other State, and engages to pay the aforesaid Tribute to the British Government; if either Scindia or any one else lay claim to tribute, the British Government engages to reply to such claim.

VIII. The State of Joudpoor shall furnish 1500 horse for the Service of the British Government whenever required, and when necessary, the whole of the Joudpoor Forces shall join the British Army, excepting such a portion as may be requisite for the internal administration of the Country.

IX. The Maharajah and his Heirs and Successors shall remain absolute Rulers of their Country, and the jurisdiction of the British Government shall not be introduced into that Principality.

X. This Treaty of 10 Articles having been concluded at Dihlee, and signed and sealed by Mr. Charles Theophilus Metcalfe, and Byas Bishun Ram, and Byas Ubhee Ram, the Ratifications of the same by his Excellency the Governor-General, and by Rajeisur Maharajah Maun Sing Buhadoor, and Joograj Muharaj Koowar Chuttur Sing Buhadoor, shall be exchanged within 6 weeks from this date.

Done at Dihlee, this 6th day of January, A. D. 1818.

(L. S.)

(L. S.)

(L. S.)

C. T. METCALFE, *Resident.*

[BYAS BISHUN RAM.]

[BYAS UBHEE RAM.]

No. 13.—*Provisional Agreement with the Rajah Moodhojee Bhoosla, Nagpore, 6th January, 1818.*

PROVISIONAL AGREEMENT concluded between the Honourable Company and Maharajah Moodhojee Bhoosla, by Mr. Jenkins, on the part of the Honourable Company, and Nago Pundit and Narrain Pundit, on the part of His Highness.

ART. I. The Rajah retains his Musnud until the pleasure of the Governor-General is known, on the following conditions:

II. The Rajah consents to cede his Territories north of the Nerbudda, as well as all those on the southern Bank, also Gawilgurh and his Territories in Berar, and Sirgoojah and Jushpore, in lieu of the former subsidy and contingent.

III. The affairs of the Government, civil and military, shall be settled and conducted by Ministers in the confidence of the British Government, according to the advice of the Resident, and His Highness with his family will reside in his Palace in the City of Nagpore, under the protection of the British Troops.

IV. The Subsidy will be paid up, and shall continue to be paid until a final settlement.

V. Any Forts in His Highness's Territory which the British Government may wish to occupy, shall immediately be given up to the British Troops.

VI. The principal Persons concerned in resisting His Highness's Orders on the 16th of December, shall receive no favour, but be punished, and if possible, be seized and delivered up to the British Government.

VII. The 2 Hills of Seetabuldee, with the Bazaars and land adjoining, to a distance to be hereafter specified, shall be henceforth included in the British Boundary, and such military works erected as may be deemed necessary.

Done at Nagpore, this 6th day of January 1818, A. D. corresponding to the 28th of Suffer 1233, A. H.

(L. S.)

R. JENKINS, *Resident.*

(L. S.)

[NAGO PUNDIT.]

(L. S.)

[NARRAIN PUNDIT.]

No. 13.—*Treaty of Friendship and Alliance with the Rana of Oudipoor.—Dihlee, 13th January, 1818.*

TREATY between the Honourable the English East India Company, and Maharana Bheem Sing, Rana of Oudipoor, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency the Most Noble the Marquess of Hastings, K. G., Governor-General, and by Thakoor Ajeet Sing, on the part of Maharana, in virtue of Full Powers conferred by the Maharana aforesaid.

ART. I. There shall be perpetual friendship, alliance, and unity of

interests between the 2 States, from generation to generation, and the friends and enemies of one shall be the friends and enemies of both.

II. The British Government engages to protect the Principality and Territory of Oudipoor.

III. The Maharana of Oudipoor will always act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with other Chiefs or States.

IV. The Maharana of Oudipoor will not enter into any Negotiation with any Chief or State without the knowledge and sanction of the British Government, but his usual amicable correspondence with friends and relations shall continue.

V. The Maharana of Oudipoor will not commit aggressions upon any one; and if by accident a dispute arise with any one, it shall be submitted to the arbitration and award of the British Government.

VI. One-fourth of the Revenues of the actual Territory of Oudipoor shall be paid annually to the British Government as Tribute for 5 years, and after that term three-eighths in perpetuity. The Maharana will not have connexion with any other Power on account of Tribute; and if any one advance claims of that nature, the British Government engages to reply to them.

VII. Whereas the Maharana represents, that portions of the Dominions of Oudipoor have fallen by improper means into the possession of others, and solicits the restitution of those Places, the British Government, from a want of accurate information, is not able to enter into any positive engagement on this subject; but will always keep in view the renovation of the prosperity of the State of Oudipoor, and after ascertaining the nature of each case, will use its best exertions for the accomplishment of that object, on every occasion on which it may be proper to do so. Whatever Places may thus be restored to the State of Oudipoor, by the aid of the British Government, three-eighths of their Revenue shall be paid in perpetuity to the British Government.

VIII. The Troops of the State of Oudipoor shall be furnished according to its means, at the requisition of the British Government.

IX. The Maharana of Oudipoor shall always be absolute Ruler of his own Country, and the British jurisdiction shall not be introduced into that Principality.

X. The present Treaty of 10 Articles having been concluded at Diblee, and signed and sealed by Mr. Charles Theophilus Metcalfe, and Thakoor Ajeet Sing Buhadoor, the Ratifications of the same, by his Excellency the Most Noble the Governor-General and Maharana Bheem Sing, shall be mutually delivered within a month from this date.

Done at Diblee, this 13th day of January, A. D. 1818.

(L. S.)

C. T. METCALFE.

(L. S.)

[THAKOOR AJEET SING.]

No. 14.—Treaty of Friendship and Alliance with the Nabob of Bhopaul.—Raisseen, 26th February, 1818.

TREATY between the Honourable the East India Company, and the Nawaub Nuzzer Mahomed Khan, Ruler of Bhopaul, concluded by Captain Josiah Stewart, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency the Marquess of Hastings, K. G., Governor-General, &c. &c. &c., and by Kurreem Mahomed Khan Bahauder, and Shah Zad Musseeh Sahel, on the part of the Nawaub Nuzzer Mahomed Khan, in virtue of Full Powers granted by the Nawaub.

ART. I. There shall be perpetual friendship, alliance and unity of interests between the Honourable the East India Company and the Nawaub of Bhopaul, his Heirs and Successors, and the friends and enemies of one Party shall be the friends and enemies of both.

II. The British Government engages to guarantee and protect the Principality and Territory of Bhopaul against all Enemies.

III. The Nawaub of Bhopaul and his Heirs and Successors shall act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with other Chiefs and States.

IV. The Nawaub, and his Heirs and Successors, will not enter into Negotiation with any Chief or State without the knowledge and sanction of the British Government; but their usual amicable correspondence with friends and relations, and necessary correspondence with neighbouring Zemindars and Managers on matters of small importance, shall continue.

V. The Nawaub, his Heirs and Successors, will not commit aggression on any one; if by accident disputes arise with any one, they shall be submitted to the Arbitration and Award of the British Government.

VI. The State of Bhopaul shall furnish a contingent of 600 horse and 400 infantry, for the service of the British Government whenever required, and when necessary the whole of the Bhopaul Force shall join the British Army, excepting such a portion as may be requisite for the internal administration of the Country.

VII. The British Troops are to be at all times admitted into the Bhopaul Territory (the Commanding Officer of such Troops using their utmost endeavours to prevent injury to the crops or other damage), and if necessary shall canton them; in which event, the Nawaub engages for himself, his Heirs and Successors, on application to that effect, to cede to the British Government to serve as a Depôt, the Fort of Nuzzer Ghur, or of Goo Gaun, with ground to the distance of 2,000 yards all round the Fort.

VIII. The Nawaub, his Heirs and Successors, will afford every facility to the British Troops in obtaining supplies, and all articles of

supply required for them shall be purchased in, and pass through the Nawaub's Territory, free of duty.

IX. The Nawaub and his Heirs and Successors shall remain absolute Rulers of their Country, and the jurisdiction of the British Government shall not in any manner be introduced into that Principality.

X. The Nawaub having exerted himself, and employed the resources of his Government with zeal and fidelity in the late service against the Pindarries, the British Government, in order to mark its approbation of his conduct, and to enable him to maintain the stipulated contingent, hereby grants to the Nawaub, his Heirs and Successors in perpetuity, the 5 Mahals of Ashta, Itchawur, Sehar, Dovaha, and Deevepona, to be held by them in exclusive Sovereignty.

XI. This Treaty, consisting of 11 Articles, having been concluded at Raisseen, and signed and sealed by Captain Stewart and Kurreem Mahomed Khan Bahauder and Shah Zad Musseeah Sahel, Captain Stewart engages to procure the Ratification of the Governor-General within 3 weeks from this date, and Kurreem Mahomed Khan Bahauder, and Shah Zad Musseeah Sahel, engages to obtain the Ratification of the Nawaub Nuzzer Mahomed Khan, in 2 days.

Done at Raisseen, this 26th day of February, 1818, corresponding with the 20th Rubee oos sane Hejeree 1223.

(L. S.)

J. STEWART.

(L. S.)

[KURREEM MAHOMED.]

(L. S.)

[SHAH ZAD MUZZEEH SAHEL.]

No. 15.—Treaty of Friendship and Alliance with the Rajah of Bickaneer.—Dihlee, 9th March, 1818.

TREATY between the Honourable the English East India Company and Maharajah Soorut Sing Buhadoo, the Rajah of Bickaneer, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency the Most Noble the Marquess of Hastings, K.G., Governor-General, &c. &c. and by Oujha Kashee Nautt, on the part of Raj Rajheesur Maharajah Srooman Sree Soorut Sing Buhadoo, according to Full Powers given by the Rajah.

ART. I. There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharajah Soorut Sing and his Heirs and Successors; and the friends and enemies of one Party shall be the friends and enemies of both Parties.

II. The British Government engages to protect the Principality and Territory of Bickaneer.

III. Maharajah Soorut Sing, and his Heirs and Successors, will act in subordinate co-operation with the British Government, and ac-

knowledge its supremacy; and will not have any connexion with any other Chiefs or States.

IV. The Maharajah, and his Heirs and Successors, will not enter into Negotiation with any Chief or State without the knowledge and sanction of the British Government; but the usual amicable correspondence with friends and relations shall continue.

V. The Maharajah, and his Heirs and Successors, will not commit aggressions on any one. If by accident any dispute arise with any one, the settlement of it shall be submitted to the Arbitration and Award of the British Government.

VI. Whereas certain Persons of the Principality of Bickaneer have adopted the evil courses of highway Robbers and Banditti, and have plundered the property of many, to the great molestation of the peaceable Subjects of both the Contracting Parties; the Maharajah engages to cause to be restored the property plundered from the Inhabitants of the British Territories up to this time, and for the future entirely to suppress the Robbers and Plunderers in his Principality. If the Maharajah be not able to effect their suppression, assistance shall be afforded, on his application, by the British Government, in which case the Maharajah will pay all the expences of the Force employed: or in the event of his not finding means to pay those expences, he will in lieu cede part of his Territory to the British Government, which, after the payment of those expences, shall be restored.

VII. The British Government, on the application of the Maharajah, will reduce to subjection the Kakoors and other Inhabitants of his Principality, who have revolted and thrown off his authority. In this case the Maharajah will pay all the expences of the Force employed; or in the event of not having the means, will instead cede part of his Territory to the British Government, which shall be restored after payment of those expences.

VIII. The Maharajah of Bickaneer will furnish Troops at the requisition of the British Government according to his means.

IX. The Maharajah, and his Heirs and Successors, shall be absolute Rulers of their Country, and the British jurisdiction shall not be introduced into that Principality.

X. As it is the wish and intention of the British Government that the roads of Bickaneer and Bhutneer be rendered passable and safe for the transit of trade to and from the Countries of Cabul and Khorasaun, &c.; the Maharajah engages effectually to accomplish the object within his own Dominions; so as that Merchants shall pass with protection and safety, and meet with no impediment. And with respect to Custom Duties, the established rates shall not be exceeded.

XI. This Treaty of 11 Articles having been concluded and signed and sealed by Mr. Charles Theophilus Metcalfe and Oujha Kashee Naath, the Ratifications by His Excellency the Most Noble the Go-

vernor General and Raj Rajheesud Maharajah Sroomun Sree Soorat Sing Buhadoor, shall be exchanged within 20 days from the present date.

Done at Diblee, this 9th day of March, A. D. 1818.

(L. S.)

C. T. METCALFE, *Resident*.

(L. S.)

[OUJHA KASHÉE NAUTT.]

No. 16.—Treaty of Friendship and Alliance with the Rajah of Kishenghur.—Dihlee, 28th March, 1818.

TREATY between the Honourable the English East India Company and Maharajah Kulleeaun Sing Buhadoor, the Rajah of Kishenghur, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency the Most Noble the Marquess of Hastings, K. G. Governor-General, &c. &c. and by Kazee Futteh Mahomed Khan, on the part of Maharajah Kulleeaun Sing Buhadoor, according to Full Powers given by the Rajah.

ART. I. There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharajah Kulleeaun Sing and his Heirs and Successors, and the friends and enemies of one Party shall be friends and enemies of both Parties.

II. The British Government engages to protect the Principality and Territory of Kishenghur.

III. Maharajah Kulleeaun Sing and his Heirs and Successors will act in subordinate co-operation with the British Government and acknowledge its supremacy; and will not have any connexion with any other Chiefs or States.

IV. The Maharajah and his Heirs and Successors will not enter into Negotiation with any Chief or State without the knowledge and sanction of the British Government, but the usual amicable correspondence with friends and relations shall continue.

V. The Maharajah and his Heirs and Successors will not commit aggressions on any one. If by accident any dispute arise with any one, the settlement of it shall be submitted to the Arbitration and Award of the British Government.

VI. The Maharajah of Kishenghur will furnish Troops, at the requisition of the British Government, according to his means.

VII. The Maharajah and his Heirs and Successors shall be absolute Rulers of their Country, and the British jurisdiction shall not be introduced into that Principality.

VIII. This Treaty of 8 Articles having been concluded and signed and sealed by Mr. Charles Theophilus Metcalfe and Kazee Futteh Mahomed Khan, the Ratifications, by his Excellency the Most Noble the

Governor-General and Maharajah Kulleeaun Sing Buhadoor shall be exchanged within 20 days from the present date.

Done at Dillee, this 28th day of March, A. D. 1818.

(L. S.)

C. T. METCALFE, *Resident.*

(L. S.)

[KAJEE FUTTEH MAHOMED.]

No. 17.—Treaty of Friendship and Alliance with the Rajah of Jyepoor.—Dillee, 2nd April, 1818.

TREATY between the Honourable English East India Company, and Maharajah Sewaee Juggut Sing Buhadoor, Rajah of Jyepoor, concluded by Mr. Charles Theophilus Metcalfe, on the part of the Honourable Company, in virtue of Full Powers granted by His Excellency the Most Noble the Marquess of Hastings, K. G., Governor-General, &c. and by Taukoor Rawul Byree Saul Nattawut, on the part of Rajah Rajindur Sree Maharajah Dehraj Sewaee Juggut Sing Buhadoor, according to Full Powers given by the Rajah.

ART. I. There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharajah Juggut Sing, and his Heirs and Successors; and the friends and enemies of one Party shall be the friends and enemies of both Parties.

II. The British Government engages to protect the Territory of Jyepoor, and to repel the Enemies of that Principality.

III. Maharajah Sewaee Juggut Sing and his Heirs and Successors will act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not have any connexion with other Chiefs and States.

IV. The Maharajah and his Heirs and Successors will not enter into Negotiation with any Chief or State without the knowledge and sanction of the British Government; but the usual amicable correspondence with friends and relations shall continue.

V. The Maharajah and his Heirs and Successors will not commit aggressions on any one. If it happen that any dispute arise with any one, it shall be submitted to the Arbitration and Award of the British Government.

VI. Tribute shall be paid in perpetuity by the Principality of Jyepoor to the British Government, through the Treasury of Dillee, according to the following detail:

1st year, from the date of the Treaty, in consideration of the devastation which has prevailed for years in the Jyepoor Country, Tribute excused.

2nd year—4 lacks of Dillee rupees.

3rd year—5 lacks.

4th year—6 lacks.

5th year—7 lacks.

6th year—8 lacks.

Afterwards 8 lacks of Dillee rupees annually, until the Revenues of the Principality exceed 40 lacks.

And when the Rajah's Revenues exceed 40 lacks, 5-16ths of the excess shall be paid in addition to the 8 lacks above-mentioned.

VII. The Principality of Jyepoor shall furnish Troops according to its means, at the requisition of the British Government.

VIII. The Maharajah and his Heirs and Successors shall remain absolute Rulers of their Territory and their Dependents, according to long established usage, and the British civil and criminal jurisdiction shall not be introduced into that Principality.

IX. Provided that the Maharajah evince a faithful attachment to the British Government, his prosperity and advantage shall be favourably considered and attended to.

X. This Treaty of 10 Articles having been concluded and signed and sealed by Mr. Charles Theophilus Metcalfe, and Tankoor Rawul Byree Saul Nattawut, the Ratifications of the same, by His Excellency the Most Noble the Governor-General, and Rajah Rajindar Sree Maharajah Dehraj Sewasee Juggut Sing Buhadoor, shall be mutually exchanged within 1 month from the present date.

Done at Dillee, this 2nd day of April, A. D. 1818.

(L. S.)

C. T. METCALFE, *Resident*.

(L. S.)

[TAUKOOR RAWUL BYREE SAUL.]

CONVENTION conclue entre le Royaume des Pays Bas et la Principauté de Waldeck, relativement à l'abolition réciproque du Droit de Détraction, et de l'Impôt d'Emigration ;—à La Haye, le 17 Février, 1818.

(Traduction.)

ART. I. Les droits connus sous le nom de *Jus detractus*, *Gabella hereditaria* et *Census emigrationis*, ne seront plus exigés ni perçus à l'avenir, lorsqu'il y a lieu à une translation de succession du Royaume des Pays Bas dans les Etats de Waldeck, ou de ceux-ci dans les Etats des Pays Bas ; toutes les impositions de cette nature étant abolies à jamais et à condition d'une parfaite réciprocité.

II. Cette disposition s'étend non-seulement aux droits et autres impositions de ce genre, qui font partie des revenus publics, mais encore à ceux qui jusqu'ici pourraient avoir été levés par quelque Provinces, Villes, Jurisdictions ou Communes, de manière que celles-ci seront dorénavant incompétentes à exiger de telles impositions.

III. La Convention ci-dessus est applicable non-seulement à toutes les successions à échoir à l'avenir, mais aussi à celles déjà dévolues, et dont la translation n'a point encore été effectuée.

IV. Comme cette Convention ne regarde que les propriétés et leur

libre exportation, toutes les Lois relatives au service militaire restent en pleine vigueur dans les 2 Pays, et les Gouvernemens Contractans ne sont nullement retraits par la présente Convention dans leur future législation sur cet objet.

V. Cette Convention sera délivrée en double de la même teneur, et aura force et valeur dans les Etats respectifs, après avoir été ratifiée.

La Haye, ce 17 Février, 1818.

Le Ministre des Affaires Etrangères déclare que la présente Convention a été ratifiée par le Gouvernement de Waldeck, le 14 Avril 1818, et par celui des Pays Bas, le 18 Mai suivant.

A. W. C. DE NAGELL.

CONVENTION conclue entre le Royaume des Pays Bas et le Duché de Holstein-Oldenbourg, relativement à l'abolition réciproque du Droit de Détraction (*Jus detractus*) et de l'impôt d'Emigration (*Census emigrationis*;)—à Francfort-sur-Mein, le 1er Juillet, 1818.

(Traduction.)

ART. I. Les droits connus sous le nom de *Jus detractus*, *Gabella Hereditaria* et *Census emigrationis*, ne seront plus exigés ni perçus à l'avenir, lorsqu'en cas de succession, donation, vente, émigration, ou autres, il y a lieu à une translation de biens du Royaume des Pays Bas, dans les Etats de Son Altesse Sérénissime le Duc de Holstein-Oldenbourg, ou de ceux-ci dans les Etats des Pays Bas, pour toute leur étendue, tant actuelle que future; toutes les impositions de cette nature étant abolies entre les 2 Pays.

II. Cette disposition s'étend non-seulement aux droits et autres impositions de ce genre qui font partie des revenus publics, mais encore à ceux qui jusqu'ici pourraient avoir été levés par quelques Provinces, Villes, Juridictions, Corporations, Arrondissemens, ou Communes, de manière que les Sujets respectifs, qui exporteront des biens, ou auxquels il en échecrait à titre quelconque dans l'un ou l'autre Etat, ne sont assujétis sous ces rapports à d'autres impositions ou taxes, qu'à celles qui, soit à raison de droit de succession, de vente ou de mutation de propriété quelconque, seraient également acquittées par les habitans du Royaume des Pays Bas, ou du Duché de Holstein-Oldenbourg, d'après les Réglemens et Ordonnances qui existent, ou qui émaneront par la suite dans les 2 Pays.

III. La présente Convention est applicable non-seulement à toutes les successions à échecir à l'avenir, et à celles déjà dévolues, mais à toutes les translations de biens en général, dont l'exportation n'a point encore été effectuée.

IV. Comme cette Convention ne regarde qu'é les propriétés et leur libre exportation, toutes les Lois relatives au Service Militaire, restent en pleine vigueur dans les 2 Pays, et les Gouvernemens Contractans ne sont nullement restreints par la présente Convention dans leur future Législation sur cet objet.

V. Cette Convention expédiée en double et de même teneur, signée par les Ministres respectifs de Sa Majesté le Roi des Pays-Bas, etc., et de Son Altesse Sérénissime le Duc de Holstein-Oldenbourg, etc., sera échangée mutuellement, et aura force et valeur du jour où les échanges auront lieu.

Fait à Franfort-sur-Mein, ce 1er Juillet, 1818.

Le Ministre des Affaires Etrangères déclare que la présente Convention a été ratifiée par les Gouvernemens des Pays-Bas et d'Oldenbourg, le 21 Juillet, 1818.

A. W. C. DE NAGELL.

CONVENTION conclue entre les Royaumes des Pays Bas et des 2 Siciles, à l'égard d'une abolition réciproque du Droit d'Aubaine ;—à La Haye, le 8me Août, 1818.

(Traduction.)

ART. I. EN vertu de la présente Convention, le droit d'Aubaine est réciproquement aboli entre les Etats de Sa Majesté le Roi des Pays-Bas, y compris le Grand-Duché de Luxembourg, et ceux de Sa Majesté le Roi du Royaume des 2 Siciles. En conséquence, les Sujets de l'une des 2 Puissances Contractantes seront exempts dudit droit pour toutes les successions et pour tous les legs, qui pourront leur appartenir dans les Etats de l'autre.

II. La même exemption de tout droit d'Aubaine sera accordée aux Sujets de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, qui établiront leur domicile dans le Royaume des 2 Siciles, et à ceux de Sa Majesté le Roi du Royaume des 2 Siciles, qui établiront leur domicile dans le Royaume des Pays Bas et dans le Grand-Duché de Luxembourg, par rapport aux biens meubles et immeubles, qui appartiendront aux Sujets de l'une des 2 Puissances Contractantes dans les Etats de l'autre.

III. Cette exemption est bornée au seul droit d'Aubaine, et ne s'étendra pas aux impositions auxquelles les Sujets des 2 Puissances se trouvent soumis par l'effet de leurs propres Lois, et auxquelles les Sujets de Sa Majesté le Roi des Pays-Bas sont particulièrement assujétis, telles que le droit de succession et autres.

La Haye, ce 8 Août, 1818.

Le Ministre des Affaires Etrangères déclare que la présente Convention a été ratifiée par le Gouvernement des 2 Siciles, le 21 Décembre, et par celui des Pays Bas, le 28 Décembre, 1818.

A. W. C. DE NAGELL.

CONVENTION conclue entre l'Autriche et La Prusse, concernant le Commerce des Provinces Polonoises ;—à Varsovie, le 22 Mars, 1817.

DANS le dessein de déterminer les rapports de navigation et de commerce des Habitans des Provinces Autrichiennes et Prussiennes de la Pologne, en tant qu'elles ont fait partie du Royaume de Pologne tel qu'il existoit en 1772, et conformément aux Négociations qui ont été entamées en conséquence du Traité de Vienne, du 3 Mai (21 Avril) 1815, entre les Commissaires de leurs Majestés les Empereurs d'Autriche et de Russie et le Roi de Prusse, les Commissaires Autrichiens et Prussiens, d'après leurs Pleins-pouvoirs et sous la réserve de la Ratification de leurs Souverains, ont conclu la Convention suivante :

ART. I. Les Dispositions Supplémentaires ajoutées aux Articles XXIV et XXV du Traité Russe-Prussien par les Négociations de la Commission de Varsovie, seront également valides pour les Habitans des Provinces Polonoises des 2 Souverains.

II. L'Autriche s'étant engagée à ne lever, ni sur les Rivières navigables de la Gallicie, nommément le Dunajec et le San, ni sur sa rive droite de la Vistule, aucun Impôt sur la navigation, la Prusse n'exigera non plus aucune taxe de ce genre, sous quelque titre et dénomination que ce soit, des Habitans de la Gallicie naviguant sur les eaux de ses Provinces Polonoises.

III. Quant à l'usage des Canaux et des Ecluses qui ont été construits jusqu'à présent, ou qui le seront à l'avenir, dans les limites du Royaume de Pologne telles qu'elles étoient en 1772, les Sujets Polonois des 2 Puissances seront traités réciproquement par celles-ci à l'égal de leurs propres Sujets.

IV. Les principes établis pour l'exécution des Articles XXV et XXVI du Traité Prussien-Russe doivent avoir, tels qu'ils seront ratifiés par la Prusse et la Russie, la même validité pour les Habitans des Provinces Polonoises des 2 Souverains relativement à la navigation et au commerce.

V. Les mesures réglées pour le commerce de transit en vertu de l'Article XXIX du Traité Prussien-Russe doivent être à l'avantage des Sujets des Provinces Polonoises de Sa Majesté l'Empereur d'Autriche, aussi bien que les Stipulations résultant de l'Article XXVIII

du Traité Autrichien-Russe sont applicables aux Sujets des Provinces Polonoises de Sa Majesté le Roi de Prusse.

VI. Les Individus se livrant au commerce et à la navigation, n'auront besoin, pour se légitimer, que d'un Passeport des Régences respectives ou des Baillis de Cercles. Pour constater l'origine des Bateaux et des objets de commerce, il suffira d'un Certificat des Bureaux de Douanes Frontières.

VII. Si l'Autriche jugeoit avantageux pour les rapports de commerce et de navigation entre les Provinces Prussiennes-Polonoises, d'établir à Danzig et peut-être à Thorn un Agent de Commerce ou un Consul, elle sera libre de le faire dans tous les tems, en suivant les formes consacrées par le droit des gens ; de même que la Prusse pourra également, outre l'Agent de Commerce qu'elle a déjà à Brody, en envoyer aussi un à Lemberg, ou dans une autre Ville du Royaume de Gallicie à son choix.

VIII. Les Conventions conclues avec la Russie n'étant pas encore ratifiées, et par conséquent le terme où elles seront mises avec ou sans restriction en activité n'étant pas connu, les Hautes Parties Contractantes fixeront, lors de la Ratification de cette Convention, le jour où elle entrera en vigueur relativement à leurs Provinces Polonoises.

En foi de quoi, les 2 Commissaires respectifs ont fait dresser 2 Exemplaires de cet Acte, et y ont apposé leurs Signatures et le Cachet de leurs Armes.

Fait à Varsovie, le 22 Mars, de l'an 1817.

(L. S.) FRANCOIS SCHASCHEK DE MEZIHURZ.
Commissaire Autrichien.

(L. S.) AUGUSTE GUILLAUME DE LEIPZIGER.
Directeur de Régence, Chevalier de l'Aigle Rouge de la 3ème Classe, et Commissaire Plénipotentiaire de Sa Majesté le Roi de Prusse.

(L. S.) CHARLES SEMLER.
Conseiller de Régence au Ministère des Finances, Chevalier de la Croix de Fer et de Ste. Anne de Russie de la 3ème Classe, et Plénipotentiaire de Sa Majesté le Roi de Prusse.

[La Convention a été ratifiée par les 2 Cours.] (Martens.)

CONVENTION conclue entre l'Autriche et la Russie, concernant le Commerce des Provinces Polonoises;—à Pétersbourg, le 17 Août, 1818.

Au nom de la très-sainte et indivisible Trinité !

LEURS Majestés l'Empereur d'Autriche, Roi de Hongrie et de Bohême, et l'Empereur de Russie, Roi de Pologne, résolus de donner

aux Stipulations du Traité signé le 3 Mai (21 Avril) 1815, à Vienne, relativement au commerce et à l'industrie des Provinces Polonoises (suivant les Frontières où elles étoient circonscrites en 1772) la précision que réclame cet objet de leurs soins communs pour les intérêts et le bien être de leurs Sujets respectifs, sont convenus de régler par une Convention Supplémentaire, toutes les mesures qui peuvent contribuer à remplir un but aussi désirable. A cette fin, Leurs Majestés ont nommé Plénipotentiaires, savoir ;—

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, M. le Baron Louis de Lebzeltern, Chevalier de l'Ordre de St. Etienne de Hongrie, de la Croix de Fer de la 2ème Classe, de St. Wladimir de la 3ème, et de plusieurs autres Ordres, Conseiller-Aulique de Sa Majesté Impériale Apostolique, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Russie; et d'après l'autorisation à lui accordée de se faire remplacer.

M. François Schaschek de Mezihurz, Chevalier de l'Ordre de Léopold, et Conseiller de Régence de Sa Majesté Impériale Apostolique.

Et Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, M. Pierre Oubril, son Conseiller-actuel d'Etat, Chevalier de Ste. Anne de la 1ère Classe, de St. Wladimir de la 3ème, et de St. Jean de Jérusalem.

Lesquels Plénipotentiaires, après s'être communiqué mutuellement leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles ci-dessous :

ART. I. La libre navigation sur les Fleuves jusqu'à leur embouchure, soit en les descendant, soit en les remontant, ainsi que le libre usage des Ports, qui a été réglé par le XXIVème Article du Traité conclu à Vienne entre l'Autriche et la Russie le 3 Mai (21 Avril) s'étend, autant que ce principe concerne les Pays qui font partie des Etats de leurs Majestés les Empereurs d'Autriche et de Russie, à tous les fleuves et Rivières qui ont leur source sur le Territoire de l'ancien Royaume de Pologne (de 1772) ainsi qu'à ceux qui le traversent, ou le touchent et qui se jettent dans la mer par des canaux, ou après s'être joints à d'autres fleuves.

II. La navigation des dits fleuves et rivières jusqu'à leur embouchure soit amont, soit aval, et la fréquentation des Ports suivant la détermination ci-dessus, seront libres, de manière qu'elles ne puissent être interdites à aucun Sujet des 2 Parties Contractantes.

III. Les principes ci-dessus seront applicables : (a.) aux Canaux, déjà existans et à ceux qui doivent être creusés à l'avenir; (b.) à toutes les Rivières déjà navigables, ou qui pourroient le devenir par la suite, et qui ont leur cours entre la Frontière Orientale de l'ancienne Pologne, la Duna, le Dnieper, le Dniester, et le Pruth.

IV. Tous les Sujets des 2 Puissances sans distinction et sans ex-

ception, ont le droit de se servir du chemin pratiqué pour le halage sur les 2 rives des Fleuves, Rivières et Canaux mentionnés à l'Article I et III, ainsi que celui d'aborder ou de s'arrêter sur ces 2 rives.

V. Pour garantir la jouissance et l'exercice de ce droit dans toute son étendue, et écarter tout ce qui pourroit entraver la Navigation et le flottage sur tous les Fleuves, Rivières, et Canaux, il est réglé: (a.) que les 2 Puissances feront pratiquer, partout où cela est nécessaire et possible, des chemins de halage, et qu'elles auront soin qu'ils soient entretenus en bon état. (b.) Que sur chaque rive, par tout où le terrain ne sera point propre à l'agriculture ou à la construction d'habitations, il sera laissé un espace de 15 aunes Polonoises de largeur pour aborder, et ceux qui naviguent pour le commerce pourront en faire usage sans payer pour cela aucun droit.

VI. Les Ordonnances existantes pour la Police et la Navigation, de même que celles qui, sans établir aucun impôt, pourroient être établies par la suite pour maintenir l'ordre et la sûreté de la Navigation, feront également observées par les Sujets des 2 Puissances et communiquées à cette fin à leurs Consuls respectifs.

VII. Les Sujets des 2 Puissances qui prendront part aux avantages de la libre navigation sur les Rivières ou les Canaux, jouiront chez leurs voisins des mêmes droits qu'ont les Commerçans du Pays; et comme ils sont obligés d'observer exactement les Ordonnances qui existent dans chaque Pays pour la Police et la Navigation, ils seront, sous les rapports des droits à payer, traités à l'égal des Natifs du Pays.

VIII. Pour assurer encore davantage la liberté de la Navigation, les Hautes Parties Contractantes établissent le principe général, que leurs Sujets respectifs ne seront, dans aucun cas, soumis pour l'usage des routes par eau, tant naturelles qu'artificielles, à des taxes et à des charges plus fortes que les navigateurs du Pays.

IX. Leurs Majestés l'Empereur d'Autriche ne levant aucuns droits sur la navigation des Rivières de l'ancienne Pologne, et n'ayant pas l'intention d'en imposer sur les eaux, Sa Majesté l'Empereur de toutes les Russies ne fera percevoir de son côté aucun impôt sur les bateaux Autrichiens qui naviguent sur le Bug, excepté dans le cas où ils passeroient par le Canal de Muchawitza, ou s'ils s'étoient rendus des bords du Bug sur le Territoire Russe.

X. Le principe établi à l'Article VIII sera applicable à tous les Canaux qui seront creusés à l'avenir dans l'étendue de Pays ci-dessus désignée.

XI. La Navigation sur la Vistule sera franche de tout impôt pour la partie de ses rives qui appartiennent aux 2 Parties Contractantes.

XII. Pour donner plus d'activité au commerce entre Brody et Odessa, et réciproquement, les 2 Parties Contractantes, en conformité du XXVIIIème Article du Traité signé à Vienne, le 3 Mai (21 Avril),

1815, sont convenues d'un Règlement Particulier pour le commerce de transit entre ces 2 Villes, lequel sera annexé au présent Article, et entrera en vigueur à compter du 13 Septembre de l'année courante. Ce Règlement sera le seul que l'on devra suivre pour le commerce de transit, et en tant qu'il concerne particulièrement le commerce entre Brody et Odessa, et réciproquement, il ne pourra être changé que d'un commun accord entre les Parties.

XIII. Indépendamment des dispositions contenues dans l'Article précédent, les 2 Hautes Parties Contractantes ont voulu en même temps se concerter pour l'organisation du commerce de transit sur d'autres points de leurs Etats respectifs. En conséquence, elles sont convenues d'autoriser tous leurs Sujets au commerce de transit avec toutes sortes de marchandises, tant indigènes qu'étrangères, même celles dont l'importation est défendue, à l'exception de la poudre à tirer, et ce sous les conditions contenues dans les Articles suivans.

XIV. Tous ceux qui, en vertu du précédent Article, ont le droit de faire le commerce de transit, peuvent, sur l'exhibition d'un Passeport de leur Gouvernement, des Autorités de leur Cercle et District, ou, si ces Autorités se trouvoient trop éloignées, même du Magistrat de leur endroit, passer les Frontières, entrer et sortir avec les marchandises dont le transit est permis, remettre, sans l'intervention d'un tiers, les déclarations prescrites sur les marchandises de transit, soit qu'ils en aient la propriété, ou qu'elles aient été seulement confiées, les expédier ou fréter eux mêmes, les accompagner, les déposer, ou les envoyer de nouveau plus loin, et enfin revenir avec ou sans charge de retour.

XV. Les marchandises de transit peuvent être importées et exportées par chaque grand Bureau de Douane des 2 côtés de la Frontière.

XVI. Les droits de transit seront perçus en Autriche suivant le Tarif de 1788, qui a été renouvelé en 1807 ; et dans le Royaume de Pologne ces mêmes impôts seront adoptés comme le maximum des droits de transit. On ne les paiera qu'une fois pour les marchandises de toute espèce qui passeront par les Etats Autrichiens pour se rendre dans les Provinces soumises à la domination de Sa Majesté l'Empereur de toutes les Russies, ou qui seront exportées de ces Provinces dans d'autres Pays. De même, les droits de transit pour les marchandises venant de toutes les Provinces Autrichiennes, ou conduites de l'étranger dans ces Provinces, ne seront payés qu'une fois à leur passage en Pologne.

Les Impôts ci-dessus ne seront jamais augmentés en aucun cas pour les Sujets des 2 Puissances, sans qu'elles se soient préalablement accordées à cet égard.

Sont francs de tous droits de transit, les produits du sol et de l'industrie de toutes les parties du Royaume actuel de Pologne, qui passent par les Provinces Autrichiennes-Polonoises pour retourner dans

d'autres Parties du même Royaume. Il en est de même des produits du sol et de l'industrie des Provinces de la domination Russe, qui sont introduites par les Provinces Autrichiennes-Polonoises dans le Royaume actuel de Pologne, et vice-versa. D'autre part, on exemptera des droits de transit, les produits du sol et de l'industrie des Provinces Autrichiennes-Polonoises, conduits par le Royaume de Pologne pour retourner dans d'autres parties de la Pologne Autrichienne, ou destinés pour des Provinces Polonoises qui appartiennent à une troisième Puissance.

Si l'une ou l'autre des Parties Contractantes vouloit diminuer en faveur d'une Puissance Etrangère les impôts qui servent d'échelle pour ce commerce de transit, soit pour le commerce de transit en général, soit pour certaines marchandises en particulier, les Sujets respectifs des 2 Puissances Contractantes jouiront de tous les avantages accordés aux Puissances les plus favorisées.

XVII. Il ne sera payé aucune autre sorte de droits que les droits de transit mentionnés dans l'Article précédent, et ceux de balance, de billet, de quittance, de plombage, et de timbre, enfin de ponts et de chaussées. Les droits accessoires qu'il a été jusqu'à présent d'usage de percevoir dans le Royaume de Pologne sous la dénomination de Tantième, transport Visa-agio, et autres de ce genre, doivent être abolis.

XVIII. Pour favoriser autant que possible le commerce de transit, et prévenir en même tems la fraude relativement aux droits de consommation ; en outre afin de garantir l'industrie Nationale des désavantages qui résultent de l'importation et de la vente de Marchandises Etrangères, les Propriétaires, les Commissionnaires, et les Voituriers seront tenus de remettre aux Bureaux de Douanes Frontières une Déclaration détaillée des Marchandises, et de soumettre celles-ci à une visite, si cela étoit jugé nécessaire. Ils seront obligés de déposer pour les marchandises permises le montant des droits d'importation, et pour les marchandises défendues 60 pour cent de leur valeur, d'après une estimation dont le mode sera déterminé en son tems par les Administrations financières des 2 côtés. La remise de cette somme se fera en argent comptant, ou sous la garantie d'un Sujet du Pays dont le crédit est établi. A la sortie des marchandises, le montant de la somme sera remboursé sans délai, déduction faite des droits de transit, ou la caution sera rendue.

XIX. L'administration des Finances des 2 Puissances réglera les peines qu'encourront ceux qui se rendront coupables de contrebande, et elle prendra les mesures convenables pour l'établissement et la sûreté du contrôle sur les marchandises de transit. Mais ces mesures seront telles, qu'il n'en résulte pour les Marchands et les Propriétaires aucun délai, ni aucuns frais.

XX. Les marchandises de transit peuvent se vendre en gros pen-

dant tout le trajet. Mais cette vente ne change rien à leur nature, et elles ne cessent pas pour cela d'être des marchandises de transit. Les marchandises de cette sorte, dont l'importation n'est pas défendue, peuvent changer de nature, et être converties en marchandises de consommation, pour être vendues comme telles, soit à Varsovie, soit dans tous les endroits où les réglemens de Douane le permettraient par la suite. Cependant les Propriétaires de ces marchandises ou leurs Commissionnaires se conformeront à cet égard aux Lois de Douane existantes dans chaque Royaume.

XXI. Comme la navigation et le flottage sur le San et le Bug, ainsi que le chargement des bateaux dépendent de la crûe ou de la baisse subite de leurs eaux rapides et variables, on est convenu, pour faciliter le commerce de transit, que les objets de ce commerce, quand on leur fera remonter les Fleuves ci-dessus, seront déclarés respectivement aux Bureaux de Douanes des 2 côtés, où l'on remettra les déclarations d'usage; mais l'expédition et les autres formalités de Douanes auront lieu sur le San du côté de la Gallicie à Chwalewice, du côté de la Pologne, à Zawichost sur la Vistule, et enfin sur le Bug à Novidmor près Modlin. Si les Propriétaires, les Commissionnaires ou Conducteurs avoient l'intention de faire encore de nouveaux chargemens en route, ils doivent faire mention de cette circonstance dans la déclaration des marchandises, afin que dans les endroits où les Douanes sont dans le cas de percevoir les droits, ceux de transit et de sortie puissent être levés suivant la différence d'origine des marchandises qui ont été chargées en route.

Néanmoins l'application de ces mesures n'aura pas lieu pour les bateaux qui remontent les Fleuves ci-dessus nommés. Ceux-ci restent soumis aux Règlemens ordinaires des Douanes.

Enfin, en tant que les 2 rives respectives des deux Fleuves ci-dessus et de la Vistule n'appartiennent pas à une même Province et à une même Souveraineté, il ne sera point levé de droit de transit pour les produits fonciers et industriels d'origine Polonoise, transportés par bateaux ou radeaux sur les Fleuves.

XXII. Pour éviter qu'on éprouve aucun retard aux Bureaux respectifs des Douanes, ceux-ci continueront leurs fonctions tous les jours depuis le lever du soleil jusqu'à midi, et depuis 2 heures après midi jusqu'au coucher du soleil. Les Employés aux Douanes des Fleuves navigables n'interrompront pas leurs fonctions même les jours de fêtes et les dimanches.

Les transports de transit seront expédiés aux Douanes suivant l'ordre de leur arrivée.

Les Employés seront responsable de tous les délais qu'ils auront occasionnés, et ils répareront tout le dommage qui en résultera, et dont les bateliers ou voituriers pourront fournir légalement la preuve.

XXIII. Les Militaires ne sont point autorisés à s'immiscer dans les

fonctions des Employés aux Douanes, à moins que ceux-ci ne reclament leur secours, auquel cas ces Employés seront responsables des suites. Mais l'intervention militaire cessera aussitôt que les Employés auront rempli leurs fonctions.

XXIV. Tous ceux qui seront le commerce de transit, auront, outre l'appui général des Lois, la protection immédiate des Autorités. Si quelqu'un d'eux venoit à mourir sans avoir disposé des marchandises de transit, des bateaux ou des voitures qui lui appartiennent, et que ces objets aient été mis sous la garde des Autorités, les héritiers, qui se légitimeront comme tels par les Certificats des Autorités Judiciaires du ressort du défunt, seront mis en possession de cette propriété en tout tems et avec toutes les circonstances requises, sans autres déductions et frais, que ceux qu'auroit occasionnés la garde des objets ci-dessus.

XXV. Pour faciliter, conformément à l'Article XXIX du Traité conclu à Vienne le 3 Mai (21 Avril) 1815, le commerce d'importation et d'exportation entre toutes les Provinces de la Monarchie Autrichienne et les Pays qui forment l'Empire Russe, y compris le Royaume de Pologne, Leurs Majestés les Empereurs d'Autriche et de Russie sont convenus que leurs Sujets respectifs auroient part à tous les avantages commerciaux qu'ils seroient dans le cas d'accorder à d'autres Etats, sans y comprendre néanmoins les exceptions ou faveurs particulières, qui auroient été réglées par des Conventions spéciales.

Comme le nouveau système d'administration analogue au présent Traité, que Sa Majesté l'Empereur de toutes les Russies établira dans ses Etats, relativement à l'importation des produits étrangers soit de la nature, soit de l'art, ne peut être mis de suite en activité, Sa Majesté a permis dès à présent et jusqu'à ce que la publication du nouveau Tarif des Douanes puisse avoir lieu, qu'à compter du 13 (1) Septembre de l'année courante, toutes les marchandises dont l'importation en Russie n'est point défendue par le Tarif général des Douanes de 1816, puissent être introduites sans obstacles et par les principaux Bureaux de Douane sur la Frontière entre l'Autriche et la Russie. On percevra dans les Bureaux Russes les droits fixés par le dit Tarif, et dans les Bureaux du Royaume de Pologne ceux qu'il est maintenant d'usage d'y payer.

XXVI. Pour assurer l'effet des dispositions du XXIX Article du Traité de Vienne, qui ont pour but de prévenir les querelles et les abus qui peuvent avoir lieu dans les Bureaux des 2 côtés, les 2 Puissances sont convenues d'appliquer dans leurs Ordonnances générales des Douanes les principes qui auront été établis de concert par leurs Plénipotentiaires, et réunis dans un aperçu particulier signé par eux.

XXVII. Afin d'accomplir le X Article du Traité conclu à Vienne, qui a rapport à la Ville libre de Cracovie, les 2 Puissances sont convenues d'étendre aux habitans de cette Ville et de son Territoire toutes les dispositions de la présente Convention, en tant que de leur

nature elles sont applicables à ceux-ci. D'après ce principe, tous les habitans de la Ville libre de Cracovie et de son Territoire jouiront des mêmes avantages commerciaux et des mêmes franchises, que la dite Convention assure aux Sujets des 2 Puissances. Ils seront traités dans les Etats Autrichiens sur le même pied que les Sujets Russes, et dans les Etats Russes sur le même pied que les Sujets Autrichiens ; et il est entendu que de leur côté ils se soumettront aux obligations que la présente Convention impose aux Sujets des 2 Puissances.

XXVIII. Cette Convention sera ratifiée, et les Ratifications échangées ici, dans l'intervalle de 2 mois, à compter du jour de la signature, ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à Pétersbourg, le 17 (5) Août, 1818.

(L. S.) FRANÇOIS SCHASCHEK DE MEZIHURZ.

(L. S.) PIERRE D'OUBRIL.

[Ratifiée le 2^e Novembre, 1818.]

TRAITE de Commerce et de Navigation entre la Prusse et la Russie, concernant les Provinces Polonaises.—Signé à St. Pétersbourg, le 19ème Décembre, 1818.

Au nom de la Très-Sainte et Indivisible Trinité !

SA Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, ayant résolu de donner aux Stipulations arrêtées par le Traité de Vienne du ^{21 Avril,} ~~8 Mai,~~ 1815, relatives au commerce et à l'industrie des Provinces Polonaises de la délimitation de 1772, la précision que réclame impérieusement cet objet, et leur sollicitude commune pour l'intérêt et le bien-être de leurs Sujets respectifs, sont convenus de régler par un Acte Additionnel toutes les dispositions qui pourront contribuer à leur faire atteindre un but aussi désirable.

A cette fin leurs dites Majestés ont nommé, savoir ;

Sa Majesté le Roi de Prusse, le Sieur Charles Semler, son Conseiller Privé des Finances, etc.

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Pierre d'Oubril, son Conseiller d'Etat actuel, Chevalier de l'Ordre de Ste. Anne de la 1ère Classe, de celui de St. Wladimir de la 3ème, et de celui de St. Jean de Jérusalem ;

Lesquels Plénipotentiaires, après s'être communiqué leurs Pleins-pouvoirs trouvés en bonne et dûe forme, sont convenus des Articles suivans :

ART. I. L'étendue à laquelle s'applique la présente Convention, quant aux Règlemens de Commerce et de Navigation, se compose de tout le Territoire qui a fait partie de l'Ancienne Pologne, depuis l'année 1772, [1817—18.]

et qui se trouve compris entre la Duna, le Dnieper, le Dniestre, l'Oder et la Mer, en y comprenant la Prusse Orientale.

II. Pour assurer à leurs Sujets respectifs une liberté de Navigation illimitée, telle que l'établissent les Stipulations de l'Article XXII. du Traité de Vienne du ^{21 Avril}_{3 Mai} 1815, dans l'étendue déterminée à l'Article I, les Hautes Parties Contractantes sont convenues d'y faire observer les principes et Règlements suivans:

a. La Navigation dans les Haffs ainsi que sur les Canaux et les Rivières, tant en les descendant jusqu'à leur embouchure dans la Mer, qu'en les remontant, et la fréquentation des Ports situés dans cette étendue, seront libres, de telle sorte qu'elles ne pourront être interdites à aucun des Sujets des 2 Hautes Parties Contractantes. Ce principe sera appliqué aux Rivières navigables actuellement, ou qui le seroient à l'avenir, ainsi qu'aux Canaux existant dans ce moment, ou qui pourraient être faits par la suite.

b. Le droit de hallage et d'attérage sur les rives des Fleuves et sur les bords des Rivières et Canaux, sera commun à tous les Sujets des 2 Hautes Parties Contractantes. Pour garantir dans toute sa plénitude la jouissance et l'exercice de ce droit, il sera établi respectivement des chemins de hallage partout où cela sera trouvé nécessaire et possible. La Puissance à laquelle appartiendra la rive, veillera à l'entretien de ces chemins de hallage; il sera de même fixé invariablement pour l'attérage une étendue de terrain de 15 aunes de Pologne de largeur sur chaque rive, partout où il n'y a ni culture, ni habitation, sans qu'il en soit exigé aucune rétribution de la part des Commerçans.

c. Les Règlements de Police existant pour la Navigation, ainsi que pour le flottage du bois, de même que ceux que pourraient être publiés à l'avenir, ayant pour but (sans établir de redevance) d'assurer le maintien de la liberté, du bon ordre et de la sûreté de la Navigation, seront communiqués aux Consuls respectifs, et seront obligatoires pour tous les Sujets des 2 Hautes Parties Contractantes.

d. Les Sujets respectifs ne seront soumis dans aucun cas à des impôts ou charges plus considérables que les Navigateurs indigènes, pour la libre navigation et pour les communications pareau, tant naturelles qu'artificielles, existant, ou qui existeront à l'avenir. Il est entendu que l'Oder est compris dans ce nombre.

e. Les Tarifs et Péages, signés aujourd'hui par les Plénipotentiaires respectifs pour la navigation des Fleuves et Canaux dans les Pays des 2 Dominations, compris dans l'étendue déterminée à l'Article I, serviront de norme pour la perception des dits droits, et ne pourront être haussés que d'un commun accord des 2 Gouvernemens. Outre ces droits, il ne sera imposé aux Navigateurs aucunes redevances, à l'exception de celles qui existeraient déjà aux passages des ponts, lesquelles ne pourront également être haussées que d'un commun accord, ou de celles qui résulteraient d'arrangemens de gré à gré entre les dits

Navigateurs et les Propriétaires riverain dans les lieux où il y aurait soit culture, soit habitation.

Les droits à percevoir au passage des ponts y seront affichés.

f. La navigation de la Vistule est déclarée libre de tout impôt, à l'exception de celui perçu en Prusse, sous la dénomination de *Schiffs-gefässgelder*.

III. Les 2 Hautes Parties Contractantes désirant établir dans les Provinces de l'Ancienne Pologne, la liberté la plus illimitée de Commerce, et l'assurer sur des bases solides et immuables, sont convenues de faire observer, dans l'étendue désignée à l'Article I, les Règlemens suivans :

a. Les Sujets des 2 Hautes Parties Contractantes qui, pour vendre leurs denrées, visiteront les foires, ou se rendront pour affaires de commerce dans les Provinces désignées à l'Article I, pourront y voyager librement par terre et par eau, s'ils sont munis d'un Certificat délivré par l'Autorité compétente du lieu qu'ils habitent, et attestant que le but de leur voyage est effectivement celui énoncé ci-dessus. Ces Certificats seront réciproquement respectés par les 2 Gouvernemens.

b. Les Consuls que les 2 Hautes Parties Contractantes se reconnaissent mutuellement le droit de nommer dans les Provinces de l'étendue susmentionnée, auront l'autorisation de délivrer des Passeports aux Sujets de leur Gouvernement qui seraient dans le cas de se rendre, pour affaires de commerce, du lieu où le Consul réside, dans une autre Province comprise dans l'étendue déterminée par l'Article I. Ces Passeports seront délivrés moyennant une rétribution de 2 florins de Pologne par Passeport, visés par l'Autorité compétente du lieu, sans le moindre retard, et surtout reconnus et respectés réciproquement.

c. Tout Sujet des 2 Hautes Parties Contractantes sera en droit, moyennant les rétributions réglées par les Tarifs de la Convention présente, tant pour l'usage des Fleuves, Rivières, Canaux et Ecluses, que pour le commerce, d'envoyer ou de faire transporter les objets de son négoce, par toutes les Villes et tous les Ports de l'étendue désignée à l'Article I, jusqu'à la mer, de tirer des marchandises d'Outre-mer, ou de les faire venir par terre de l'Etranger, et de les transporter en retour, toutefois en les adressant à un Négociant Bourgeois de la Ville.

d. Il sera libre à tout Sujet des 2 Hautes Parties Contractantes de vendre ou de faire vendre en gros, les productions du sol et de l'industrie de son Pays, dans toutes les Villes et dans tous les Ports compris dans l'étendue désignée à l'Article I ; de faire des achats sans avoir besoin de rechercher le droit de Bourgeoisie, et sans payer quelque redevance pour y faire ce commerce, comme patente d'industrie (*Gewerbschein*) ni le droit appelé : *Kronsteuer*. Si cependant il vendait des marchandises ouvrées, il ne jouira de cette liberté que durant 6 mois, à compter du jour de son arrivée. Ce terme de 6 mois une fois échu, il sera obligé, s'il continue à faire ce commerce, de devenir

Bourgeois de la Ville. S'il trouve avantageux de vendre sa marchandise à un Sujet étranger (*Ausländer*), il sera obligé, en tant que les Lois l'exigent, de se servir pour cela d'un Négociant Bourgeois.

e. Si cependant, à la suite d'un arrangement quelconque, une Puissance étrangère obtenait pour ses Sujets la faculté de faire le commerce dans quelque Ville ou dans quelque Port de l'étendue désignée à l'Article I, sans que les Sujets de cette Puissance fussent obligés de devenir Bourgeois des dites Villes, et de payer, comme tels, les redevances établies, tous les Sujets respectifs jouiront, de droit comme de fait, du même avantage de faire le commerce d'étranger à étranger (*Gast mit Gast*) et de tous les autres avantages qui pourraient être accordés par une des Hautes Parties Contractantes à une Puissance étrangère, sans y comprendre néanmoins les exceptions ou faveurs spéciales qui auraient été stipulées par des Conventions particulières, lesquelles s'appliqueraient à des parties de leurs Etats respectifs non comprises dans l'étendue désignée à l'Article I.

f. Il sera permis à tout Sujet des 2 dominations de mettre en dépôt ou d'emmagasiner sa marchandise dans les Villes et Ports de l'étendue désignée à l'Article I, pour son compte ou pour celui d'un autre, et il ne s'entendra sur le prix de location du grenier ou magasin, qu'avec le propriétaire. Toute fois, les marchandises qu'on voudra emmagasiner, mettre en dépôt, ou trier, sont soumises à toutes les Ordonnances de police administrative auxquelles les indigènes sont obligés de se conformer.

g. Tout Batelier ou Négociant qui voudra charger ou décharger des marchandises, ne pourra, d'après les Ordonnances auxquelles les habitans eux-mêmes doivent se conformer, employer à son choix, pour cet effet, que ses propres gens ou les individus établis par la police dans les Villes commerçantes. Les Autorités respectives veilleront à ce que les individus préposés à ce travail, n'abusent pas de ce privilège, et il sera constamment fait droit aux plaintes fondées qui en seront portées, soit par les Consuls, soit par les Parties intéressées elles mêmes.

h. Il lui sera également permis en tout tems de vendre et faire vendre sa marchandise en gros (c'est à dire par *Last*, par *Schiffspfund* par *Schocks* et *Ballots*) emmagasinée ou non emmagasinée, ou de la faire charger sur des Vaisseaux ou sur des Chariots de roulier, et de l'envoyer à l'étranger. Le débit en détail dans les marchés ouverts, et dans les boutiques et caves, ne le lui sera permis qu'à certaines époques de l'année durant les foires, conformément aux Réglemens généraux de Police.

i. Si un Sujet d'une des Hautes Parties Contractantes se rend dans une Province quelconque de l'autre Puissance, pour y acquérir une propriété immeuble ou y exercer tous les genres de Commerce réunis (*in globo*) tels que :

aa. Le Commerce stable et permanent en gros ou en détail (*einstehendes Gewerbe zu Jedermanns Diensten*);

bb. Le Commerce d'expédition ou de Commission (*Commissions- und Speditionshandel*);

cc. Des affaires de Banque ou de Change (*Bank-und Wechselgeschäfte*);

dd. Transporter des Marchandises par mer en qualité de Propriétaire de Vaisseau (*Schiffsrhederey treiben*);

Il est absolument obligé de demander le droit de Bourgeoisie et de concourir à toutes les charges de l'Etat, de la Corporation et de la Commune, dans la Ville et le Port où il s'établit pour exercer les différents genres de commerce désignés ci-dessus. Il jouira alors de la protection et des avantages accordés par les Loix.

k. Le droit de Bourgeoisie mentionné sub litt. i., sera accordé à tous les Sujets respectifs des 2 Hautes Parties Contractantes dans l'étendue désignée à l'Article I, dès qu'ils seront majeurs et que leur réputation sera déclarée intacte. Les Sujets professant le culte de Moïse ne participeront pas aux mêmes droits et avantages. Ils seront traités parfaitement à l'égal des Juifs Etrangers dans les Etats des Puissances Contractantes.

l. Afin d'établir des règles invariables pour l'exercice du commerce dans les Villes et les Ports de l'étendue déterminée à l'Article I, on est convenu du principe général, que les Sujets respectifs ne seront ni obligés ni tenus contre leur gré, et en vertu d'une usance de commerce quelconque, d'admettre dans leurs contrats d'autres poids et d'autres mesures que ceux qui ont été fixés par les Loix du Pays. Il a été convenu, en outre, des dispositions suivantes :

aa. Concernant les denrées à mesurer par Boisseau (*Scheffel*), on comptera 60 Boisseaux de Berlin pour un *Last*, dans toutes les Villes et Ports de la dépendance de Sa Majesté le Roi de Prusse; et dans celles qui se trouvent sous la domination de Sa Majesté l'Empereur de toutes les Russies, on comptera par la mesure qui y est établie pour le blé.

bb. On déterminera d'une manière positive, pour les Villes sous la domination de Sa Majesté le Roi de Prusse, les poids nets de toutes les denrées ou Marchandises, en y ajoutant 1 pour cent pour celles qui seront pesées sur la grande balance, et $\frac{1}{2}$ pour cent pour celles qui seront sur la petite.

cc. Les productions brutes de tout genre importées dans les Villes Maritimes ne sont assujéties au Triage (*Brake*) qu'une seule fois, et cette opération ne saurait être renouvelée dans une Ville Maritime de la même domination, que du consentement mutuel du vendeur et de l'acheteur. Le rebut du Triage (*Brakabgang*) reste en tout cas au Propriétaire.

dd. Pour écarter du commerce toute entrave, et faciliter les opéra-

tions qui accompagnent la réalisation des ventes, on est convenu d'abolir à jamais les appropriations vexatoires dont jouissaient les Villes Maritimes, et qui sont connues sous les dénominations de *Bürgerbest*, *Aufmaass*, *Krumpmaas*, *Brakabgang*, *Abfall*, et autres de pareille nature, ainsi que les prérogatives appelées *Handlungs-Usenzen*, et les *Lehnsämter*, qui constituent une espèce de monopole.

ce. Comme il est d'usage de s'entendre préalablement sur le prix des marchandises à vendre et à acheter, l'on sera tenu désormais de convenir positivement, quant aux frais et charges qu'exige la réalisation des affaires de vente et d'achat. En cas de litige, les stipulations des Parties intéressées serviront seules de base, et non les usages de commerce particuliers de chaque Ville. Si toutefois l'acheteur et le vendeur n'étaient pas convenus positivement, comme cela est dit ci-dessus, à l'égard des frais et charges qu'exige la réalisation des affaires de vente et d'achat, ce point sera réglé d'après les Lois du Pays, et l'Etranger sera, sous ce rapport, traité parfaitement à l'égal de l'indigène.

ff. Vû, néanmoins, que pour réaliser la vente d'une marchandise, il peut entrer dans les stipulations arrêtées entre le vendeur et l'acheteur, de la porter au grevier de ce dernier pour y être pesée, triée ou mesurée, sans que l'acheteur ait consenti à en payer le prix convenu avant que cette opération (qui requiert ordinairement quelques jours) soit achevée, comme il peut être stipulé également que la propriété de la marchandise ne passera du vendeur à l'acheteur, que lorsque son prix aura été entièrement soldé au jour fixé, il est entendu qu'une déposition semblable de la marchandise du vendeur Polonais dans le grenier de l'acheteur, ne lui en fera passer la propriété que lors qu'il aura réellement effectué la solde convenue, à moins que la marchandise n'ait été vendue à crédit. Dans ce cas, si l'acheteur se déclare insolvable avant d'avoir rempli les engagements contractés avec le vendeur, et que le concours des créanciers soit ouvert par l'autorité compétente, la marchandise sera restituée au vendeur, qui, de son côté, restituera ou bonifiera les arrhes ou à comptes (*Handgeld*), que lui aurait avancés l'acheteur; de manière qu'aucune des 2 Parties Contractantes ne puisse mettre à profit une circonstance de ce genre au détriment de l'autre.

Il est entendu que cette dernière stipulation ne pourra être exécutée au préjudice des tiers, c'est-à-dire : que le vendeur ne pourra obtenir la restitution en nature que de cette partie de la marchandise vendue à crédit, dont un tiers n'auroit pas fait réellement et légalement acquisition.

Dans les cas qui ne se trouveraient pas prévus par le présent Paragraphe ou par les contrats des vendeurs ou acheteurs, les vendeurs étrangers jouiront à l'égal des vendeurs indigènes, de toute la protection des Lois et de toutes les garanties qu'elles accordent.

IV. Par une suite des intentions libérales et bienveillantes qui animent les Hautes Parties Contractantes en faveur du commerce et de l'industrie de leurs Etats respectifs, elles sont convenues de regarder comme un principe fondamental et inaltérable, que toutes les productions du sol et de l'industrie des dits Etats pourront circuler dans l'étendue désignée à l'Article I, avec la liberté la plus illimitée.

Toutefois, le tabac et le sel dans le Royaume de Pologne, et les cartes-à-jouer dans les 2 Etats, ainsi que le sel en Prusse, sont exceptés, pour le moment, de la présente stipulation.

Pour déterminer néanmoins l'application du principe général énoncé ci-dessus, les Hautes Parties Contractantes ont arrêté, d'un accord mutuel, les dispositions suivantes :

a. Les droits d'importation et d'exportation, dont les produits du sol et de l'industrie des Etats respectifs de leurs Majestés l'Empereur de toutes les Russies et le Roi de Prusse, seront imposés aux Frontières de terre qui séparent les dits Etats, se trouvent indiqués dans les Tarifs, sub litt. C. et D., signés aujourd'hui par les Plénipotentiaires respectifs.

Ces droits ne pourront être haussés à l'avenir, que du consentement unanime des 2 Hautes Parties Contractantes. Quant aux droits perçus jusqu'à présent sous les dénominations de tantième, visa, *Uebertrag*, accidens, agio, etc. etc., ils sont abolis à jamais dans toute l'étendue désignée à l'Article I.

Toute rétribution exigée contrairement à la présente Stipulation par les Autorités Civiles ou Militaires des 2 Pays, sera envisagée comme vexatoire.

b. Les défenses d'entrée et de sortie à l'égard des productions des Etats susmentionnés, aux frontières de terre qui les séparent, ne pourront dorénavant avoir lieu que d'un commun accord entre les 2 Gouvernemens.

c. Les Tarifs signés aujourd'hui par les Plénipotentiaires respectifs seront mis en vigueur le plutôt possible, et dans aucun cas plus tard que le 1^{er} Janvier, 1820.

d. L'engagement mutuel que prennent les 2 Hautes Puissances de ne hausser les droits indiqués dans ces Tarifs que d'un commun accord, ne portera néanmoins pas atteinte à la faculté qu'elles se reconnaissent mutuellement, d'imposer à l'importation dans leurs Etats, tels droits de consommation qu'elles jugeront convenables.

e. Sa Majesté l'Empereur de toutes les Russies s'engage à considérer les dispositions contenues dans le Tableau signé aujourd'hui par les Plénipotentiaires respectifs, sub litt. E., comme le maximum des droits d'entrée et de consommation à percevoir des fabrications Prussiennes en lin, laine et cuir, munies de Certificats d'Origine, tant à leur entrée dans le Royaume de Pologne qu'aux autres Douanes de terre de l'Em-

pire de Russie, et promet de ne les faire hausser que d'après un accord préalable avec Sa Majesté le Roi de Prusse.

f. Les Certificats d'Origine mentionnés au Paragraphe précédent, seront délivrés d'après la Formule ci-jointe sub litt. F., par les Consuls, s'il y en a, dans les lieux d'expédition, et à leur défaut, par le Magistrat. Dans l'un et l'autre cas, il sera nécessaire que la Régence du Département, ou un Commissaire spécialement délégué par elle à cet effet, constate la vérité et l'authenticité de ces Certificats d'Origine.

g. Les marchandises étrangères importées en transit par les Ports de Danzig, Elbing, Königsberg et Mémel, pour être débitées dans les Provinces de l'étendue désignée à l'Article I, ne payeront pas de droits d'entrée et de consommation plus élevés que celles importées pour la même destination par les Ports Russes de Libau, Windau et Riga.

Il est entendu, que les marchandises déclarées aux Frontières du Royaume de Pologne pour passer en Russie, n'auront aucun droit de transit à acquitter, et qu'elles ne seront assujéties qu'au paiement des droits d'entrée et de consommation établis par les Tarifs de Russie communs au Royaume de Pologne.

Le tabac et le sel, ne pouvant être introduits dans le Royaume de Pologne comme objets de commerce, pourront néanmoins le traverser pour passer en Russie, en se soumettant aux précautions que l'Administration du Royaume de Pologne jugera indispensables pour empêcher la contrebande.

h. Pour écarter tout ce qui pourrait porter atteinte à la jouissance des avantages de commerce stipulés par la présente Convention, les Plénipotentiaires respectifs sont convenus d'arrêter les principes énoncés dans le Tableau sub litt. G., sur lesquels les réglemens des Douanes respectives devront être fondés.

i. Dans l'étendue désignée à l'Article I, il pourra être accordé des brevets d'invention (*Patente*), comme moyen d'encouragement, mais ces brevets ne sauraient imposer de restrictions qu'aux Sujets du Gouvernement qui les aura accordés. Le principe de la libre circulation de tout ce qui est produit dans cette étendue, reste maintenant dans toute sa vigueur, ainsi que le porte l'Article IV.

k. On cherchera les moyens d'activer entre la Prusse et le Royaume de Pologne le commerce des Frontières sous le rapport des objets de main-d'œuvre, qui se débitent aux foires des Villes Frontières par l'ouvrier même, tels que bottes, poteries, &c.

V. Dans la vue d'activer et de faciliter davantage le commerce de transit stipulé par l'Article XXIX du Traité de Vienne, les 2 Hautes Parties Contractantes sont convenues des dispositions suivantes, qu'elles se réservent de compléter, suivant l'exigence des cas.

a. Les productions du sol et de l'industrie des Etats respectifs de Sa Majesté l'Empereur de Toutes les Russies et de Sa Majesté le Roi

de Prusse, et les marchandises étrangères destinées à l'usage des Sujets des 2 Hautes Parties Contractantes comme objets de commerce de transit, ne pourront être frappées de prohibition que par suite d'un accord mutuel entre les 2 Puissances. L'importation et l'exportation, par transit, de ces objets, sera libre aux Sujets respectifs dans toutes les Villes et dans tous les Ports de l'étendue désignée à l'Article I, d'après les Tarifs déterminée à ce sujet.

b. Les droits de transit à payer dans les Ports de Danzig, Königsberg, Elbing, et Mémel, pour les productions exportées des Provinces de la Domination de Sa Majesté l'Empereur de toutes les Russies, ainsi que pour les marchandises étrangères destinées pour les mêmes Provinces, sont déterminés d'après le Tarif sub litt. H. signé aujourd'hui par les Plénipotentiaires respectifs, lequel ne pourra être haussé que d'un commun accord.

c. Les objets d'exportation et d'importation qui auraient passé en transit, et qui, sans être encore arrivés à leur destination, retourneraient par la même Douane, soit de terre, soit de mer, par laquelle ils étaient venus, si leur identité est avérée, ne payeront pas une seconde fois les droits de transit, mais pourront passer librement.

d. Toutes les productions du sol et de l'industrie de l'étendue désignée à l'Article I, destinées pour une Province Polonoise d'une autre Domination, passeront en transit par le Royaume de Pologne, franchises de tout impôt. Elles seront, toutefois, pourvues d'un Certificat de la première Douane-frontière à laquelle elles auront touché. Ce Certificat servira à constater, à la sortie des marchandises, l'endroit de leur expédition, et indiquera en même tems celui de leur destination. Il sera libre aux Gouvernemens respectifs de prendre les mesures qu'ils jugeront convenables pour prévenir tout abus à cet égard.

Quant aux marchandises étrangères qui, des Provinces Prussiennes de l'étendue désignée à l'Article I, passeraient en transit par le Royaume de Pologne pour se rendre dans les Provinces Polonoises de la Domination Autrichienne, elles y payeront les droits de transit stipulés à cet égard avec l'Autriche.

e. Le propriétaire d'une marchandise importée en transit, dès qu'il sera Sujet de l'une des 2 Dominations, aura le droit, dans l'étendue désignée à l'Article I, de changer la destination de transit ou celle de circulation intérieure, et dans ce dernier cas, il ne payera que les droits d'entrées et de consommation; l'excédant des droits qu'il pourrait avoir payés pour la marchandise déclarée antérieurement pour le transit, lui sera, le cas échéant, fidèlement restitué.

Les Gouverneurs respectifs adopteront les mesures de précaution les plus propres à empêcher que des marchandises déclarées pour le transit ne soient consommées dans l'intérieur. Les Douanes respectives seront spécialement chargées de l'exécution de ces mesures.

f. L'administration du Royaume de Pologne aura le droit d'acheter

le sel d'Outre-mer pour ses besoins partout où elle voudra, et de le faire passer en transit par les Ports de Danzig, d'Elbing, de Königsberg et de Mémel, en acquittant un droit de 3 bons grosse de Prusse par quintal.

Quant au mode de transit et de transport, l'Administration du Royaume de Pologne est prête, dans la vue de prémunir la Prusse contre la contrebande, à conclure un Arrangement particulier, pour lequel un Commissaire Spécial se rendra à Berlin, sous la promesse toutefois, que la Prusse y apportera, de son côté, des facilités, et que les frais qu'exigera le transport seront calculés sur les principes économiques de l'Administration Prussienne des sels.

g. Pour donner un plus grand essor à l'industrie de leurs Sujets respectifs, et pour favoriser davantage le genre de trafic qui fait l'objet des dispositions de cet Article, les 2 Hautes Parties Contractantes sont convenues, que tous leurs Sujets respectifs pourront faire réciproquement le commerce de transit des Etats Prussiens à l'étranger par Odessa, et du Royaume de Pologne à l'Etranger par les Etats Prussiens, et *vice-versa*, d'après les Règlemens que chaque Etat établira.

Les droits à percevoir dans le premier cas, ne dépasseront point, pour les Sujets Prussiens, qui seront traités à l'égal des Autrichiens, celui arrêté entre la Russie et l'Autriche, en vertu de l'Article XXVIII du Traité de Vienne.

Quant au second cas, il est convenu, que le maximum des droits de transit sera de 3 écus de Prusse par quintal de marchandises (poids brut), d'après la déclaration des voituriers ou propriétaires.

VI. Dans la vue de garantir d'une manière plus immédiate encore à leurs Sujets respectifs la pleine jouissance des avantages stipulés ci-dessus, les 2 Hautes Parties Contractantes se reconnoissent réciproquement le droit de nommer et de faire résider dans les Provinces de l'étendue désignée à l'Article I, des Consuls ou Agens de Commerce, dont la destination sera d'assister leurs Compatriotes dans les affaires d'intérêt qu'ils auraient à y régler, toutes les fois qu'ils se verraient obligés de recourir à leur appui, et de veiller à l'exécution des présentes transactions, en se conformant aux règlemens tracés ci-après.

En conséquence de ce principe, les 2 Hautes Puissances sont convenues des points suivans :

a. Il sera libre à chacune des 2 Hautes Parties Contractantes, de nommer dans l'étendue désignée à l'Article I, autant de Consuls ou Agens de Commerce qu'elle jugera convenables, de déterminer les endroits où ils devront résider, ainsi que l'étendue dans laquelle ils devront exercer leurs fonctions.

b. Il sera libre à chaque Gouvernement de nommer également un Consul-Général qui, de droit, sera chargé de veiller sur la conduite des Consuls et de leur donner des directions. Le Consul-Général aura le

droit de s'adresser, s'il le juge convenable, directement aux Ministères des Pays où il se trouvera, pour écarter les difficultés ou entraves que le commerce pourrait éprouver. Cette démarche ne pourra avoir lieu, toutefois, que dans le cas où, contre toute attente, les Autorités Locales se refuseraient à faire droit à de justes réclamations.

e. Lorsqu'une des Puissances Contractantes aura annoncé, dans les formes usitées, la nomination d'un Consul ou Agent de Commerce, le Gouvernement auprès duquel il sera destiné à résider, lui fera délivrer son Exéquateur en bonne et dûe forme, et il est mutuellement convenu qu'on y apportera le moins de retard possible.

d. Dans les Villes ou autres places de Frontière, le même individu pourra être accrédité auprès des 2 Gouvernemens, ainsi par exemple : le Consul de Sa Majesté le Roi de Prusse à Brody pourra aussi exercer ses fonctions à Radziwilow. Il en sera de même partout ailleurs où il conviendra aux 2 Gouvernemens de nommer des Consuls ou Agens de Commerce pour exercer les mêmes fonctions dans les Villes d'une domination différente.

e. Une des principales obligations du Consul ou Agent de commerce, sera de veiller à ce que la présente Convention soit maintenue et exécutée dans tous ses points et clauses.

f. Dans tous les cas urgens relatifs aux affaires de commerce, il aura le droit d'adresser directement aux Autorités de l'Arrondissement de son Consulat, des réclamations verbales ou par écrit, conçues dans la langue du Pays de sa résidence, ou en langue Française, en y joignant autant que possible des traductions.

g. Il sera autorisé à intervenir dans tous les différens qui pourraient naître, soit entre ses compatriotes commerçans, soit entre ceux-ci et des commerçans ou habitans du Pays où il résidera, toutes les fois que les Parties intéressées voudront le prendre pour arbitre. Les Lois de son Pays et les instructions dont il sera muni, détermineront le degré de validité que devra avoir sa décision à l'égard de ses compatriotes, et en prescriront les formes.

h. Il sera également en droit d'assister ses compatriotes commerçans, et il plaidera leur cause auprès des Autorités de l'Arrondissement de son Consulat, dans tous les différens et procès qu'ils pourraient avoir avec les Douaniers et les habitans du Pays, ou avec des Etrangers par suites de leurs affaires de commerce.

i. Au cas qu'un compatriote commerçant du Consul vint à décéder dans l'Arrondissement de son Consulat, et que les héritiers du défunt fussent absens, sans avoir de Mandataire présent sur les lieux, le Consul aura le droit de s'enquérir des biens et des effets du décédé ; et de se les faire délivrer par les Autorités Locales, en tant que les Lois du Pays n'y sont pas contraires ; enfin, de prendre toutes les mesures nécessaires pour la sureté de la propriété du défunt, et de soigner ses

affaires, jusqu'à ce que les héritiers ou leurs fondée de pouvoirs se présentent.

k. Les Consuls, en délivrant des Passeports à leurs Compatriotes, seront tenus, sous peine de responsabilité personnelle, de veiller à ce que ces Passeports ne deviennent, pour des gens sans aveu et évidemment dangereux, un moyen de s'introduire dans les Etats respectifs.

l. En qualité de Consuls, ils jouiront des prérogatives et privilèges dont jouissent les Consuls des Nations les plus favorisées. Les armes de leurs Pays pourront être arborées à leur Maison, pour indiquer leur demeure.

Les Consuls des 2 Hautes Parties Contractantes dans l'étendue désignée à l'Article 1, dès qu'ils ne seront pas Sujets du Pays de leur résidence, et qu'ils ne posséderont pas de maison, à eux appartenante, dans les Villes où ils exerceront leurs fonctions, seront exempts de tout logement militaire. Cette franchise, toutefois, est restreinte à leur logement personnel.

m. Les Hautes Parties Contractantes étant convenues, que la totalité de leurs Sujets et des productions de leur sol et de leur industrie participeront, dans l'étendue désignée à l'Article I, aux avantages commerciaux stipulés par la présente Convention, les Certificats d'Origine qui, en vertu du Traité de Vienne du ^{21 Avril,}_{3 Mai,} 1815, devaient assurer spécialement la jouissance des dits avantages aux Provinces Polonaises de 1772, deviennent inutiles à l'exception de ceux dont les fabrications Prussiennes favorisées en lin, laine et cuir, devront être accompagnées, conformément aux Paragraphes e. et f. de l'Article IV.

Mais si, par la suite, ces mêmes Puissances voulaient limiter, d'un commun accord, aux productions d'origine Polonaise, les avantages stipulés en faveur des dites productions par le Traité du ^{21 Avril,}_{3 Mai,} 1815, les Certificats d'Origine redevenant alors nécessaires, il serait pris, du consentement mutuel et préalable des 2 Hautes Parties Contractantes, les mesures que les administrations respectives jugeraient les plus convenables à cet égard.

VII. En exécution de l'Article X du Traité de Vienne, et relatif à la Ville libre de Cracovie, les Hautes Parties Contractantes sont convenues d'étendre aux Habitans de cette Ville et de son Territoire, toutes les Stipulations de la présente Convention, en autant que par leur nature elles sont propres à leur être appliquées. D'après ce principe, tous les Habitans de la Ville de Cracovie et de son Territoire jouiront des mêmes avantages commerciaux et des mêmes exemptions que la présente Convention assure aux Sujets des 2 Hautes Parties Contractantes. Ils seront traités, dans le Territoire de la domination

Russe, à l'égal des Sujets Prussiens ; et dans les Provinces de la domination Prussienne, à l'égal des Sujets Russes ; bien entendu, toutefois, que de leur côté, ils se conformeront aux obligations que le présent Acte impose aux Sujets respectifs.

VIII. En conséquence des dispositions ci-dessus énoncées, toutes les Lois et concessions, tous les usages, réglemens, tarifs, privilèges et droits particuliers de commerce, des Villes et des Ports de l'étendue désignée à l'Article I, qui se trouvaient en opposition avec la teneur de la présente Convention, sont abolis à jamais. Seront nommément compris dans cette Stipulation les droits qui peuvent avoir existé jusqu'à présent contrairement à la liberté de la navigation des Rivières et Canaux, ainsi qu'à la circulation illimitée de toutes les productions du sol et de l'industrie entre les Provinces de l'étendue susmentionnée, tels que les droits d'entre-pôt, de rompre-charge, d'étape, de non-allège et autres de pareille nature, spécifiés ou non-spécifiés, lesquels seront censés abolis par la présente Convention.

Les Hautes Parties Contractantes s'engagent en même tems, à interdire aux Négocians des Villes commerçantes de leurs dominations respectives dans l'étendue déterminée à l'Article I, toute association qu'ils formeraient, dans le but, soit d'organiser ou de réintroduire, directement ou indirectement, les privilèges et droits exclusifs abolis par le présent Article et la présente Convention, soit de s'approprier exclusivement un genre de commerce quelconque.

Leurs Majestés l'Empereur de toutes les Russies, Roi de Pologne, et le Roi de Prusse, garantissent en même tems aux Bourgeois indigènes des dites Villes, qu'il ne leur sera interdit dans aucun cas de se charger de toutes expéditions d'importation et d'exportation pour le compte des Sujets respectifs de Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, et de Sa Majesté le Roi de Prusse.

IX. La présente Convention sera ratifiée, et les Ratifications en seront échangées à St. Pétersbourg, dans le terme de 2 mois, ou plutôt, si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé les Cachets de leurs Armes.

Fait à St. Pétersbourg, le 17 Décembre, 1818.

(L. S.)

CHARLES SEMLER.

(L. S.)

PIERRE D'OUBRIL.

[Le Traité ci-dessus, dressé en langue Française, a été ratifié de la part du Roi de Prusse, le 18 Février, 1819, et les Ratifications ont été échangées à Pétersbourg, le 30 Mars, 1819.]

DECLARATION of Independence of the Republic of Venezuela.—Angostura, 20th November, 1818.

(Translation.)

SIMON BOLIVAR, Supreme Chief of the Republic of Venezuela, &c. &c. &c.

Considering :

That the Spanish Government, under the plea of a reconciliation, solicits the mediation of the High Powers, in order to re-establish its authority over the Free and Independent Regions of America, it is proper to declare, in the face of the World, the sentiments and determination of the People of Venezuela :

That, although these sentiments and this determination have been manifest in the Republic ever since the 5th of July, 1811, and, more particularly, from the time when the first views of the Madrid Cabinet were made known, it is the duty of the Government, in whom the National Representation resides, to repeat and declare the same in a legal and solemn manner :

That this frank and sincere Declaration is not only due to the High Powers, in testimony of consideration and respect, but is also indispensable, in order to tranquillize the minds of the Citizens of Venezuela.

Therefore, the Council of State being assembled, together with the High Court of Justice, the Vicar-General, the General Staff of the Army, and all the Civil and Military Authorities, after deliberately reviewing the conduct of the Spanish Government, they have come to the following conclusions :—

1st. That the idea of a cordial reconciliation has never entered into the views of the Spanish Government.

2nd. That although Great Britain, at the commencement of our disturbances, twice proposed a measure of this kind to Spain, she rejected it with disdain to all Parties.

3rd. That, at the same time that Spain has been treating of a reconciliation, she has been blockading our Ports, sending over Armies against us, and plotting Conspiracies to destroy us.

4th. That, although Venezuela had at one time agreed to a solemn Capitulation, she had scarcely laid down her arms, when Spain violated the same in all its parts, and sacrificed thousands of our Citizens whose rights she had sworn to respect.

5th. That, by carrying on against us a war of extermination, without respecting sex, age, or condition, she has broken the social bonds, and excited a just and implacable hatred against her.

6th. That this hatred has been increased by the atrocities which she has committed, and by the bad faith with which, in every respect, she has treated us.

7th. That the whole of America, but more particularly Venezuela, is intimately convinced of the utter impossibility, on the part of Spain, in any manner to re-establish her authority over this Continent.

8th. That the whole of America is also satisfied with its own strength and resources, is aware of its natural advantages, and means of defence; and is, besides, well assured that there is no sufficient power on Earth again to bind them to Spain.

9th. That even if there were, Americans are resolved to perish rather than again submit to a Government of blood, fire, and extermination.

10th. That being in possession of the liberty and independence bestowed upon them by nature, which even the Laws of Spain, and the examples of history, authorize them to obtain by force of arms, which they have in fact done, it would be an act of folly and madness for them again to submit to the Spanish Government, upon any conditions whatever.

Wherefore, impelled by all these considerations, the Government of Venezuela, representing the determination and wishes of the People, has thought proper to pronounce, in the face of the World, the following Declaration:

1st. That the Republic of Venezuela, by divine and human right, is emancipated from the Spanish Nation, and is constituted into an Independent, Free, and Sovereign State.

2nd. That Spain is not justified in again demanding dominion over us, nor has Europe any right to attempt to subject us again to her yoke.

3rd. That we never did, and never shall, solicit an incorporation with the Spanish Nation.

4th. That we have not solicited the mediation of the High Powers in order to be reconciled to Spain.

5th. That we will never treat with Spain, unless as an equal with an equal, in Peace and in War, as all Nations reciprocally do with each other.

6th. That we only desire the mediation of Foreign Powers in order to interpose their good offices in favour of humanity, by inviting Spain to arrange and conclude a Treaty of Peace and Amity with the Venezuelan People, recognizing us, and treating us as a Free, Independent, and Sovereign Nation.

7th. The Republic of Venezuela further declares that, from the 10th of April, 1810, it has been fighting for its rights; that it has spilt the best blood of its Children; that its People have sacrificed all their property, all their enjoyments, and whatever else is dear and sacred amongst men, in order to obtain their sovereign rights, and to preserve them unimpaired; and that, as they have been granted to them by Divine Providence, the People of Venezuela are resolved to bury them-

selves under the ruins of their country, if Spain, Europe, or any Power whatever, should attempt again to bend them under the Spanish yoke.

Given and signed at the Palace of Government, in Angostura, this 20th day of November, 1818.

SIMON BOLIVAR.

MANIFESTE du Gouvernement Sarde, par lequel il est défendu à tous les Sujets du Roi de prendre part, directement ou indirectement, au Trafic des Esclaves Nègres.—
Publié à Gênes, le 23 Janvier, 1818.

MANIFESTE DE L'AMIRAUTÉ.

(Extrait.)

§ La ferme volonté de Sa Majesté est, qu'aucun de ses Sujets ne prenne part, directement ou indirectement, au trafic des Esclaves Nègres, sous peine d'une punition exemplaire; et que tout Bâtiment portant Pavillon Sarde, qui serait employé de quelque manière que ce soit dans ce trafic, outre la privation de sa protection dans quelque accident qui puisse lui arriver, soit arrêté et sequestré toutes fois qu'il sera rencontré en mer par des Bâtiments de Guerre de Sa Majesté, ou qu'il entrera dans quelque'un des Ports de ses Etats.

DISCOURS du Roi de Suède, à la Cloture de la Diète, le 21 Juillet, 1818.

MESSIEURS,

PENDANT 8 mois que vous avez été réunis autour du Trône, j'ai suivi constamment et avec le plus vif intérêt l'esprit de vos délibérations. Si quelques délais ont retardé votre marche, les hommes qui observent ont senti qu'ils étaient causés, autant par la difficulté et l'importance des objets que vous aviez à discuter que par les défauts de notre organisation sociale; mais ces délais ne sont pas perdus pour l'avenir et pour l'expérience. Espérons que les Diètes futures sauront en profiter, en donnant à leurs délibérations et à la marche administrative, l'ensemble, l'activité et la perfection qui leur manquent.

Durant le cours de cette Session, le Peuple et ses Représentans ont développé un grand esprit public, et j'ai la satisfaction de voir, qu'en vous séparant, vous êtes tous convaincus qu'une Nation que doit sa majorité politique à une gloire justement acquise, à des Lois qui consacrent l'origine et la véritable légitimité de ses droits, n'y peut renoncer qu'avec l'honneur, ou qu'en cessant d'exister. Les généra-

tions et les Empires se succèdent et disparaissent, mais les principes de l'éternelle vérité sont à l'abri du tems et des évènements. Si des préjugés cherchent à les combattre et à les étouffer, cette lutte ne sert à la longue qu'à les faire triompher avec plus d'éclat.

L'union avec la Norvège se fortifie chaque jour. La force des choses, la religion des sermens, et les intérêts mutuels garantissent sa stabilité et sa durée. Les passions disparaissent parceque les Peuples veulent être tranquilles et gouvernés par l'empire des Loix. La raison leur dit que la continuation de leur liberté et de leur indépendance est fondée sur une confiance immuable et constitutionnelle entre les 2 Nations. Je vous remercie, Messieurs, d'avoir donné au Peuple Norvégien un nouveau gage de la constance de vos sentimens pour lui. La Loi que vous avez adoptée sans discussion sur le respect du à ses droits et à ses Institutions, est une preuve irrécusable que vous n'avez d'autre volonté, d'autre désir, que de maintenir l'Union Politique entre les 2 Nations de cette Presqu'-Ile.

Depuis que vous êtes assemblés, deux évènements auxquels votre pensée n'a pu être étrangère, ont donné une nouvelle force à ces principes qui servent de base au Pacte qui unit la Scandinavie à son Roi Constitutionnel. Un grand Monarque appuyé sur l'égide de sa puissance, a rendu une Patrie à un Peuple aussi intéressant par ses malheurs qu'illustre par son ancienne gloire. Le Souverain d'un des Etats considérables de la Confédération Germanique vient d'accorder à son Pays une Constitution Représentative. Ces bienfaits repandus sur les Nations sont un hommage éclatant rendu aux Peuples, qui en investissant leurs Rois d'un pouvoir fondé sur la confiance, n'ont cependant pas abandonné au hasard et au caprice de l'avenir, la prospérité, l'honneur, et l'existence de leurs Descendans.

Messieurs, avant de me séparer de vous, mon cœur éprouve encore le besoin d'épancher de nouveau ses regrets sur la perte de ce Roi chéri, qui fut votre père, et qui m'honora du nom de son fils, et de son ami. Sa belle âme ne cessera jamais de m'inspirer. Elle me servira de guide dans toutes mes actions. Je songerai à ce qu'il a fait et à ce qu'il aurait fait encore, si la Providence eût prolongé ses jours. Sa perte a été suivie d'une autre qui doit nous être bien sensible. Son Epouse ne lui a survécu que de quelques mois. Pendant tout le tems de leur longue union, elle s'occupa constamment du bonheur de son auguste Epoux. A ce titre sa mémoire doit nous être également chère; il s'y joint un autre pour moi,—celui des sentimens d'amour et de tendresse qu'elle me porta, et qui, sous ce double rapport, doivent encore ajouter à mes regrets.

Messieurs de l'Ordre de la Noblesse !

Vos titres seront pour vous de beaux souvenirs, et d'éclatans exemples. Vous marcherez à la tête de vos Concitoyens pour la défense [1817—18.]

de l'Etat. S'il a besoin de votre courage et de votre patriotisme, et s'il réclame vos Conseils, vous les lui donnerez avec franchise et loyauté.

Messieurs les Membres du Clergé !

Vous guiderez vos frères dans l'exercice des vertus chrétiennes, bases principales de l'ordre social et du bonheur de tous. Dieu vous inspirera les sentimens qui doivent assurer le triomphe de vos religieux efforts, les lumières du siècle étendent de plus en plus l'empire de la tolérance, le Clergé Scandinave en a donné l'exemple un des premiers.

Messieurs les Membres de la Bourgeoisie !

La paix générale donne une nouvelle activité à votre industrie, et à vos relations commerciales ; elle doit augmenter les ressources de l'Etat. En faisant toujours marcher de front vos opérations avec la prospérité nationale, vous préparerez à vos fortunes une stabilité permanente, et par vos sentimens patriotiques vous vous assurerez la plus belle récompense que doit ambitionner un bon Citoyen.

Bons et Honorables Membres de l'Ordre des Paysans !

Que le Ciel bénisse les travaux pénibles de l'agriculteur, et que l'Ordre que vous représentez, vive indépendant et heureux, sous l'égide des Lois. Comptez sur l'intérêt tendre et paternelle de votre Roi. Conserver le courage, la loyauté, et l'énergie qui distinguaient vos Pères, et la Suède ne comptera jamais dans ses limites, que des Hommes libres et dignes de l'être.

Adieu, Messieurs ! retournez dans vos Familles ! Jouissez y de tout le bonheur que votre Roi doit souhaiter à de bons Citoyens. Vous connoissez mes vœux pour la prospérité de la Patrie ; mais cette prospérité ne sera durable qu'autant que notre signe monétaire aura repris son crédit. C'est ce crédit qui est le principal soutien de notre ordre social. C'est lui qui, maintenu avec discernement et avec sagesse enrichit l'Etat en même tems qu'il améliore le sort de toutes les Classes de Citoyens. Vous savez donc tout ce que la Patrie réclame de nous, et quelles sont les utiles et importantes résolutions que nous restent à prendre. Aucun effort ne me paroîtra pénible pour obtenir ce grand résultat ; je ne serai heureux que lorsqu'il sera atteint, et pour y parvenir je n'hésiterai pas, si les circonstances l'exigent, de m'entourer de la représentation nationale même avant l'époque fixée par la Constitution.



INSTRUCTIONS of the Admiralty to British Naval Officers, to seize and detain armed Vessels, fitted out in Spanish American Ports, which may have committed acts of Piracy or Outrage upon British Commerce.—London, 8th June, 1818.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

WHEREAS we have received information that, under colour of hostilities subsisting between His Catholic Majesty and certain Provinces, or parts of Provinces, in Spanish America, divers armed Ships or Vessels, not belonging to, and fitted out and set forth in, the Dominions of His Catholic Majesty, or the said Provinces or parts of Provinces, but having or pretending to have Commissions of War, or Letters of Marque from His Catholic Majesty, or Persons assuming to exercise the powers of Government in the said Provinces, or parts of Provinces, in Spanish America, have committed divers piratical acts and outrages against the Vessels and Goods of His Majesty's Subjects. You are hereby authorized and required to issue Instructions to the Commanders of the Ships and Vessels under your Orders, on credible information of any piratical act or outrage committed on the High Seas, on any British Ship or Goods, by any such armed Ship or Vessel as aforesaid, to seize and detain such armed Ship or Vessel, and send her, together with her Master and Crew, in safe custody to England, or to some Port in His Majesty's Colonies, where a Court is established for the trial of offences committed on the High Seas, together with such Witnesses as may be necessary to prove the act so charged to have been committed by such Ship or Vessel, in order that the Master and Crew, who may have committed any such piratical act or outrage, may be dealt with according to Law.

Given under our hands, the 8th of June, 1818.

By Command of their Lordships.
JOHN BARROW,

To the Officer Commanding.

TREATY of Marriage between the Hereditary Prince of Hesse Homburg and the Princess Elizabeth of Great Britain.—Signed at London, the 6th of April, 1818.

Traité entre Sa Majesté Britannique et Leurs Altesses Sérénissimes le Landgrave Règnant et le Prince Héritaire de Hesse Hombourg, touchant le Mariage de Son Altesse Royale la Princesse Elisabeth avec le dit Prince Héritaire de Hesse Hombourg.

Au Nom de Dieu tout Puissant.

SACHENT tous présens et à venir, que Son Altesse Royale le Prince Régent, agissant au nom et de la part du Très Haut et Très Puissant Prince et Seigneur, George III, par la Grâce de Dieu, Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Défenseur de la Foi, Roi d'Hanovre, &c. &c. &c. d'un côté; et les Sérénissimes et Très Puissants Princes, Frédéric Louis, Landgrave Règnant de Hesse Hombourg, &c. &c. et Frédéric Joseph Louis Charles Auguste, Landgrave et Prince Héritaire de Hesse Hombourg, &c. &c. de l'autre; ont jugé convenable, afin de contracter une Alliance plus étroite entre la Famille de Sa dite Majesté, et celle de leurs Altesses Sérénissimes, qu'un Mariage soit célébré, avec le consentement des Parties intéressées, entre la Très Haute et Très Illustre Princesse Elisabeth, 3ème Fille du dit Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et le dit Sérénissime Prince Héritaire de Hesse Hombourg.

Treaty between His Britannic Majesty and their Serene Highnesses the Reigning Landgrave and the Hereditary Prince of Hesse Hombourg, for the Marriage of Her Royal Highness the Princess Elizabeth with the said Hereditary Prince of Hesse Hombourg.

In the Name of Almighty God.

BE it known unto all Men, by these Presents, that whereas His Royal Highness the Prince Regent, acting in the name and on the behalf of His Most Sacred Majesty George III, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. &c. &c. on the one part; and the Serene and powerful Princes, Frederick Louis, the Reigning Landgrave of Hesse Hombourg, &c. &c. and Frederick Joseph Louis Charles Augustus, the Landgrave and Hereditary Prince of Hesse Hombourg, &c. &c. on the other; have judged it proper that a more strict Alliance should be contracted between the Family of His Majesty, and that of their Serene Highnesses, by celebrating, with the consent of the Parties interested, a Marriage between the Most High and Illustrious Princess Elizabeth, 3rd Daughter of the said King of the United Kingdom of Great Britain and Ireland, and the said Serene Hereditary Prince of Hesse Hombourg.

C'est donc pour parvenir à un bût si salulaire, et pour traiter, conclure, et arrêter les Articles du dit Mariage, que tant Son Altesse Royale le Prince Régent, agissant au nom et de la part de Sa Majesté, que leurs Altesses Sérénissimes, ont nommé et autorisé mutuellement, savoir ;

Son Altesse Royale le Prince Régent, au nom et de la part de Sa Majesté ; ses Conseillers Privés :

Le Révérendissime Père en Dieu, Charles Mannors Sutton, Arch-Evêque de Canterbury, Primât et Métropolitain de toute l'Angleterre ;

Jean Lord Eldon, Baron Eldon, Son Chancelier de la Grande Bretagne ;

Dudley Comte de Harrowby, Président de Son Conseil Privé ;

Henri Comte de Bathurst, l'un de Ses Principaux Secrétaires d'Etat ;

Robert Banks, Comte de Liverpool, Premier Commissaire de la Trésorerie ;

Robert Stewart, Vicomte Castlereagh, un autre de Ses Principaux Secrétaires d'Etat ;

Henri Vicomte Sidmouth, l'autre

In order therefore to attain so desirable an end, and to treat, conclude, and confirm the Articles of the said Marriage, His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, as well as their Serene Highnesses, have named and authorized mutually, viz. :

His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty,

The Most Reverend Father in God, His Right Trusty and Right Entirely-beloved Councillor, Charles Mannors Sutton, Archbishop of Canterbury, Primate of all England, and Metropolitan ;

His Right Trusty and Well-beloved Councillor, John Lord Eldon, Chancellor of Great Britain ;

His Right Trusty and Right Well-beloved Cousin and Councillor, Dudley Earl of Harrowby, President of His Majesty's Council ;

His Right Trusty and Right Well-beloved Cousin and Councillor, Henry Earl Bathurst, one of His Majesty's Principal Secretaries of State ;

His Right Trusty and Right Well-beloved Cousin and Councillor, Robert Banks, Earl of Liverpool, First Commissioner of His Majesty's Treasury ;

His Right Trusty and Well-beloved Councillor, Robert Stewart, Viscount Castlereagh, one other of His Majesty's Principal Secretaries of State ;

His Right Trusty and Well-

de ses Principaux Secrétaires d'Etat; et

Nicholas Vansittart, Chancelier et Sous Trésorier de l'Echiquier.

Et les dits Sérénissimes Princes ;
—Le Baron de Gerning, Conseiller Privé de Son Altesse Sérénissime le Landgrave Régnaant de Hesse Hombourg, et son Envoyé Extraordinaire et Plénipotentiaire :

Lesquels, après s'être communiqués et échangés réciproquement leurs Pleinpouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans, savoir :

ART. I. Il est conclu et convenu, que le Mariage entre Son Altesse Royale la Princesse Elisabeth, 3ème Fille de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Son Altesse Sérénissime Frédéric Joseph Louis Charles Auguste, Landgrave et Prince Héritaire de Hesse Hombourg, &c. &c. sera solemnisé en leurs propres Personnes, dans cette partie du Royaume Uni de la Grande Bretagne et d'Irlande, appelée la Grande Bretagne, suivant la teneur des Lois de l'Angleterre et les rites et cérémonies de l'Eglise du Royaume Uni, aussitôt qu'il pourra convenablement se faire.

II. Son Altesse Royale la Princesse Elisabeth, jouissant d'un Revenu annuel de £13,000, con-

belovéd Councillor, Henry Viscount Sidmouth, one other of His Majesty's Principal Secretaries of State; and

His Right Trusty and Well-belovéd Councillor, Nicholas Vansittart, Chancellor and Under Treasurer of His Majesty's Exchequer;

And their said Serene Highnesses;—The Baron de Gerning, Privy Councillor of His Serene Highness the Reigning Landgrave of Hesse Hombourg, and His Envoy Extraordinary and Plenipotentiary :—who, after having communicated to each other and exchanged their respective Full Powers, found to be in due and proper form, have agreed upon the following Articles, viz.

ART. I. It is concluded and agreed, that the Marriage between Her Royal Highness the Princess Elisabeth, 3rd daughter of His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Serene Highness Frederick Joseph Louis Charles Augustus, Landgrave and Hereditary Prince of Hesse Hombourg, &c. &c. shall be solemnized in Person, in that part of the United Kingdom of Great Britain and Ireland called Great Britain, according to the due tenor of the Laws of England, and the rites and ceremonies of the Church of the United Kingdom, as soon as the same may conveniently be done.

II. Her Royal Highness the Princess Elisabeth, enjoying a yearly revenue of £13,000, hereby

vient par ces présentes, de céder à Son Altesse Sérénissime la somme de £8,000, du dit revenu annuel, pour l'entretien de leur Maison. Son Altesse Royale se réservant les £5,000, qui restent de ce revenu annuel, à sa propre disposition, et à l'usage séparé de Son Altesse Royale: celles-ci doivent être reçues ou payées de tems en tems, à l'échéance du terme, et non par anticipation, en main propre de Son Altesse Royale, nonobstant son Mariage, ou à telle autre personne que Son Altesse Royale désignera de tems en tems, par un Ecrit signé de sa main, à les recevoir, pour le seul usage de Son Altesse Royale, nonobstant son Mariage; sans qu'elles soient, en aucune façon, au pouvoir de Son Altesse Sérénissime, ou sujettes à ses dettes ou engagements quelconques.

III. Le montant du revenu annuel de £8,000, cédées dans l'Article précédent par sa dite Altesse Royale à sa dite Altesse Sérénissime, pour l'entretien de leur Maison, en cas que Son Altesse Royale aura le malheur de devenir Veuve de Son Altesse Sérénissime, revertira en entier à la dite Princesse, et restera à la seule disposition de Son Altesse Royale.

IV. Son Altesse Sérénissime le Prince Héritaire de Hesse Hombourg, consent d'accepter les dispositions relatives au revenu annuel de Son Altesse Royale la Princesse Elisabeth, comme elles sont détaillées aux 2 Articles précédens.

agrees to make over to His Serene Highness, out of this yearly revenue, and for the support of their joint Establishment, the sum of £8,000, reserving to Her Royal Highness the remaining sum of £5,000 per annum, to be at the sole disposal, and for the separate use of Her Royal Highness, and to be, from time to time, paid or received as the same shall become payable, and not by way of anticipation, by the proper hands of Her Royal Highness, notwithstanding her married state, or to or by such Person or Persons, for the sole and separate use of Her Royal Highness, notwithstanding such state, as Her Royal Highness shall, from time to time, by any Writing or Writings, under her own hand, direct; the same to be free from all controul, debts, or engagements of His Serene Highness.

III. The amount of yearly revenue of £8,000, made over in the preceding Article by Her said Royal Highness to His said Serene Highness, for the support of their joint Establishment, shall, in case Her Royal Highness should have the misfortune to become the Widow of His Serene Highness, revert in full possession to the Princess, and remain at Her Royal Highness's sole disposal.

IV. His Serene Highness the Hereditary Prince of Hesse Hombourg agrees to accept the dispositions with respect to the yearly revenue of Her Royal Highness the Princess Elisabeth, as detailed in the 2 preceding Articles.

V. En cas qu'il y ait d'Enfans de ce Mariage, ils ne doivent se marier que du consentement de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ou de Ses Successeurs.

VI. En cas que le Prince vienne à mourir avant la Princesse, soit qu'il y ait des Enfans du Mariage ou non, la Princesse aura la faculté de retourner en Angleterre si elle le juge à propos, et d'emmener avec elle ses biens, paraphernaux, bagues, et joyaux, &c.; tant ceux qu'elle aura apporté, que ceux dont elle aura fait l'acquisition pendant son Mariage.

VII. En considération de ce Mariage, et des dispositions énoncées à l'Article II du présent Traité, Son Altesse Sérénissime le Prince Règnant et Landgrave de Hesse Hombourg, s'engage à constituer un Douaire convenable à Son Altesse Royale pour le cas où elle aurait le malheur de devenir Veuve du dit Prince Héritaire, soit pendant la vie du Landgrave son Père, soit après être parvenu lui même au Gouvernement de ses Etats. Les terres sur lesquelles ce Douaire doit être assigné, le Chateau ou Maison Douairière pour la résidence de Son Altesse Royale, en cas de Veuvage, et toutes les autres circonstances y relatives, seront réglées et accordées préalablement au Mariage, par un Contrât Allemand, à conclure entre les Ministres Plénipotentiaires de Sa Majesté pour le Royaume d'Hanovre, et ceux de Son Altesse Sérénissime le Landgrave.

V. In case there shall be any Children from this Marriage, they shall not contract any Marriage without the consent of His Majesty the King of the United Kingdom of Great Britain and Ireland, or his Successors.

VI. Should the Prince die before the Princess, whether they have issue or not, the Princess shall be at liberty to return to England if she thinks proper, and to bring with her her property, paraphernalia, rings, jewels &c.; as well those which she took with her, as those she may become possessed of during her Marriage.

VII. In consideration of this Marriage, and of the dispositions contained in the IInd Article of this Treaty, His Serene Highness the Reigning Prince and Landgrave of Hesse Hombourg obliges himself to make a suitable Settlement upon Her Royal Highness, in case of her having the misfortune to become the Widow of the said Hereditary Prince, whether that event should be during the life of the Landgrave his Father, or after coming to the Government of his Estates. The Lands upon which this Settlement shall be charged, the Castle or Jointure House for Her Royal Highness in case of Her Widowhood, and all other relative circumstances, shall be regulated and agreed upon previous to the Marriage, by a German Contract, to be concluded between the Hanoverian Ministers Plenipotentiary of the King and those of the Serene Landgrave.

VIII. Il sera permis et libre à Son Altesse Royale de faire exercer et célébrer le Service Divin, tant pour elle que pour ses Domestiques, conformément aux rites de l'Eglise du Royaume Uni de la Grande Bretagne et d'Irlande.

IX. Ce Traité sera ratifié, et les Ratifications en seront échangées aussitôt que possible.

En foi de quoi, nous les Plénipotentiaires respectifs avons signé le présent Traité, et y avons fait apposer le Cachet de nos Armes.

Fait à Londres, le 6ème Avril, l'an de Grâce 1818.

(L. S.) C. CANTUAR.

(L. S.) ELDON, C.

(L. S.) HARROWBY, P.

(L. S.) BATHURST.

(L. S.) LIVERPOOL.

(L. S.) CASTLEREAGH.

(L. S.) SIDMOUTH.

(L. S.) N. VANSITTART.

(L. S.) DE GERNING.

VIII. The Princess shall have liberty for Herself and her Servants, to exercise and celebrate Divine Service, according to the rites of the Church of the United Kingdom of Great Britain and Ireland.

IX. This Treaty shall be ratified, and the Ratifications shall be exchanged as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.

Done at London, the 6th day of April, in the year of our Lord 1818.

(L. S.) C. CANTUAR.

(L. S.) ELDON, C.

(L. S.) HARROWBY, P.

(L. S.) BATHURST.

(L. S.) LIVERPOOL.

(L. S.) CASTLEREAGH.

(L. S.) SIDMOUTH.

(L. S.) N. VANSITTART.

(L. S.) DE GERNING.

TREATY of Marriage between the Duke of Cambridge and the Princess Augusta of Hesse Cassel.—Signed at Cassel, the 7th of May, 1818.

Treaty between His Britannic Majesty and His Royal Highness the Elector of Hesse, for the Marriage of His Royal Highness the Duke of Cambridge with Her Serene Highness the Princess Augusta Wilhelmina Louisa of Hesse Cassel.

In the Name of Almighty God.

BE it known unto all Men, that His Royal Highness the Prince Regent, acting in the name and on the behalf of His Most Sacred Majesty, George the Third, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. &c. &c., and His Royal Highness the Elector and Sovereign Landgrave of Hesse, Grand Duke of Fulda, Prince of Hersfeld, Hanau, Fritzlar, and Isenburg, Count of Catzenelnbogen, Dietz, Zie-

genhain, Nidda, and Schaumburg, &c. &c. being already allied by the closest ties of friendship and consanguinity, have, with the utmost satisfaction, consented that a Marriage shall take place between His Royal Highness the Duke of Cambridge, Brother to His Royal Highness the Prince Regent, and Her Serene Highness the Princess Augusta Wilhelmina Louisa, youngest Daughter of His Serene Highness the Landgrave Frederick of Hesse Cassel, and Niece of His Royal Highness the Elector of Hesse, and that the said Marriage shall be duly and lawfully solemnized at Cassel and at London, according to the Laws of the 2 Countries, and the rites of the Protestant Churches therein respectively established ;

Their Royal Highnesses being therefore desirous to arrange by a Treaty the Engagements to be contracted for the attainment of the abovementioned object, have for that purpose named and authorized as their Plenipotentiaries, viz. :

His Royal Highness the Prince Regent, in the name and on the behalf of His Britannic Majesty, the Right Honourable George Henry Rose, a Member of His said Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary to the King of Prussia ; and His Royal Highness the Elector of Hesse, His Excellency George de Schmerfeld, His Minister of State, and for Foreign Affairs, Knight Grand Cross of the Hessian Order of the Lion, and the Order of Lewis of Hesse Darmstadt ; who, after having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles :—

ART. I. His Royal Highness the Elector of Hesse agrees to bestow on Her Serene Highness the Princess, his Niece, a Marriage Portion of 20,000 Frankfort florins, that sum being the usual Portion given to the Princesses of the House of Hesse.

In the event of the Princess dying before her Husband, and without issue, that Marriage Portion shall revert to the Elector of Hesse, and to his Successors.

Her Serene Highness shall also receive a Marriage Portion from her illustrious Family, and moreover an outfit, or *trousseau*, suitable to her birth and rank.

II. Her Serene Highness the Princess shall renounce, and is hereby considered to have renounced, in favour of the succession in the male line, agreeably to the usage and to the family engagements of the House of Hesse, all right of inheritance arising from the said House, in the same manner, on the same conditions, with the same reservations, and with equal validity and effect, as has been done by all the Princesses of Hesse upon their Marriage : and His Royal Highness the Prince Regent, acting on the part of His Britannic Majesty, in his name, and in that of his Brother, the Duke of Cambridge, confirms this renunciation in the most express and formal manner.

III. His Royal Highness the Duke of Cambridge having engaged to pay to Her Serene Highness annually during the whole period of her Marriage, for pin-money and her daily expences, the sum of £3,000, of which Her Royal Highness shall have the free disposal for her own use, His Royal Highness the Prince Regent, acting on the behalf of His Britannic Majesty, and in his name, has thought fit to take upon himself the full and complete execution of the said Engagement; and His Royal Highness promises and engages to secure to Her Royal Highness the Duchess of Cambridge, the yearly payment of £3,000.

IV. His Royal Highness the Duke of Cambridge, having engaged to give the sum of 20,000 Frankfort florins, as a Counter-dowry to the portion given by His Royal Highness the Elector of Hesse, His Royal Highness the Prince Regent of Great Britain, in the name and on the behalf of His Britannic Majesty, engages also to secure to the Princess, in the afflicting event of a separation by the death of His Royal Highness the Duke of Cambridge, the annual revenue of £6,000 as her jointure.

V. The present Treaty shall be ratified, and the Ratifications shall be exchanged at Berlin as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have thereunto affixed the Seal of their Arms.

Done at Cassel, the 7th day of May, 1818.

(L.S.) G. H. ROSE.

(L.S.) G. DE SCHMERFELD.

ACT of the British Parliament, "for enabling His Majesty to make further Provision for His Royal Highness the Duke of Cambridge, and to settle an Annuity on the Princess of Hesse, in case She shall survive his said Royal Highness."

[58 Geo. III. cap. 24.]

[8th May, 1818.]

MOST GRACIOUS SOVEREIGN,

WE, your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having taken into consideration the Message of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, communicating that a Treaty of Marriage was in Negotiation between His Royal Highness the Duke of Cambridge, and Her Serene Highness the Princess Augusta Wilhelmina Louisa, youngest Daughter of His Serene Highness the Landgrave Frederick of Hesse Cassel, and Niece of His Royal Highness the Elector of Hesse, do most humbly beseech Your Majesty that it may be enacted, and be it

enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the King's Most Excellent Majesty, by any Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto His said Royal Highness, the Duke of Cambridge, for and during His Majesty's royal will and pleasure, an Annuity or yearly sum of £6,000, of lawful money of Great Britain, in such proportions and in such manner and form as His Majesty in his wisdom shall think fit to direct and appoint the same : which annuity shall commence and take effect from the 5th day of April, 1818, and shall be paid and payable quarterly, in equal portions, at the 4 most usual days of payment in the year, (that is to say), the 5th day of July, the 10th day of October, the 5th day of January, and the 5th day of April in each and every year ; and also that it shall and may be lawful to and for the King's Most Excellent Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto Her said Serene Highness the Princess Augusta Wilhelmina Louisa, of Hesse Cassel, when she shall become Duchess of Cambridge, or to such other Person or Persons as His Majesty shall think fit to be named in such Letters Patent, and his or their Heirs, to the use of or in trust for, her said Serene Highness, an Annuity of £6,000 of like lawful money, which shall have commencement and take effect immediately from and after the decease of His said Royal Highness the Duke of Cambridge, in case Her said Serene Highness shall survive him, and shall continue from thenceforth for and during the natural life of Her said Serene Highness, and shall be paid and payable, in equal portions, at the 4 days of payment herein-before mentioned ; the first payment thereof to be made at such of the said days of payment as shall first and next happen after the decease of His said Royal Highness the Duke of Cambridge, in case Her said Serene Highness shall survive him as aforesaid ; and that the said several Annuities shall and may in and by such Letters Patent be directed to be respectively issuing and payable out of and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after paying or reserving sufficient to pay all such sums as have been directed to be paid out of the same by any Act or Acts of Parliament made previous to the time of passing this Act,) but with preference to all other payments which shall or may at any time or times after the passing of this Act be charged upon and payable out of the said Fund.

II. And be it further enacted, that the said several Annuities, as the same shall take effect, shall be paid and payable during the continuance of the same respectively, at the receipt of His Majesty's Exchequer at Westminster, and the Auditor of the said Receipt shall and he is

hereby required, by virtue of such Letters Patent respectively, to make forth and pass Debentures from time to time for paying the said several Annuities during the continuance of the same respectively, and as the same shall become due and payable, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the said Debentures to be made forth and passed as aforesaid shall be a sufficient authority to the several and respective Officers of the Receipt of the Exchequer now and for the time being for the payment of the said several Annuities, as the same shall take effect, according to the directions of this Act, without any further or other Warrant to be sued for, had, or obtained in that behalf.

III. And be it enacted, that the said several Annuities, and every part thereof respectively, shall be free and clear from all taxes, rates, and assessments, and all other charges whatever, imposed or to be imposed by Authority of Parliament or otherwise.

ACT of the British Parliament, "for enabling His Majesty to settle an Annuity on Her Royal Highness the Duchess of Cumberland, in case of her surviving His Royal Highness the Duke of Cumberland."*

[58 Geo. III. Cap. 25.]

[8th May, 1818.]

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into consideration the Most Gracious Message of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, have resolved that a sum of £6,000 per annum, be settled on Her Royal Highness the Duchess of Cumberland, in case Her Royal Highness should survive His Royal Highness the Duke of Cumberland, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the King's Most Excellent Majesty, by any Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto Her said Royal Highness the Duchess of Cumberland, in case she shall survive His said Royal Highness the Duke of Cumberland, or to such Person or Persons as His Majesty shall

* Princess Frederica Caroline, Sophia, Alexandrina, Daughter of The Grand Duke Charles, of Mecklenburg Strelitz.

think fit to be named in such Letters Patent, and his or their heirs, to the use of, or in trust for, Her said Royal Highness, one Annuity or yearly sum of £6,000. of lawful money of Great Britain, such Annuity or yearly sum of £6,000., and every part thereof, to commence and take effect immediately from and after the decease of His said Royal Highness the Duke of Cumberland, and continue from thenceforth, for and during the natural life of Her said Royal Highness, and shall be paid and payable at the 4 most usual days of payment in the year (that is to say), the 5th day of January, the 5th day of April, the 5th day of July, and the 10th day of October in every year, by even and equal portions; the 1st payment thereof to be made on the 1st quarterly day of payment next after the decease of His said Royal Highness, or such proportion of such quarterly payment as shall have accrued between the day of such decease and such Quarter day; and that the said Annuity of £6,000. shall and may by such Letters Patent be directed to be issuing and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, during the life of Her said Royal Highness, (after paying or reserving sufficient to pay all such sums as shall have been directed to be paid out of the same, by any Act or Acts of Parliament made previous to the time of passing this Act), and with a preference to all other payments which shall or may at any time or times after the passing of this Act, be charged upon and payable out of the said Fund.

II. And be it further enacted, that the said Annuity of £6,000. shall be paid and payable at the receipt of His Majesty's Exchequer at Westminster, and the Auditor of the said receipt shall and he is hereby required by virtue of such Letters Patent to make forth and pass Debentures from time to time for paying, according to the directions of this Act, the said Annuity, as the same shall become due and payable, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the said Debentures to be made forth and passed, as aforesaid, shall be a sufficient authority to the several and respective Officers of the Receipt of the Exchequer, now and for the time being, for the payment of the said Annuity according to the directions of this Act, without any further or other Warrant to be sued for, had, or obtained in that behalf.

III. And be it further enacted, that the said Annuity of £6,000. and every part thereof, shall be free and clear from all taxes, rates and assessments, and all other charges whatsoever, imposed or to be imposed by authority of Parliament or otherwise.

ACT of the British Parliament, "for enabling His Majesty to make further Provision for His Royal Highness the Duke of Kent, and to settle an Annuity on the Princess of Leiningen, in case She shall survive His said Royal Highness."

[58 Geo. III. Cap. 53.]

[30th May, 1818.]

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having taken into consideration the Message of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, communicating that a Treaty of Marriage was in negotiation between His Royal Highness the Duke of Kent and Her Serene Highness Mary Louisa Victoria, Widow of the late Prince of Leiningen and Sister of the Reigning Duke of Saxe Cobourg of Saalfeld and of His Royal Highness Leopold George Frederick Prince of Cobourg of Saalfeld, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the King's Most Excellent Majesty, by any Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto His said Royal Highness the Duke of Kent, for and during His Majesty's Royal will and pleasure, an Annuity or yearly sum of £6,000 of lawful money of Great Britain, in such proportions and in such manner and form as His Majesty in his wisdom shall think fit to direct and appoint the same; which Annuity shall commence and take effect from the 5th day of April 1818, and shall be paid and payable quarterly, in equal portions, at the 4 most usual days of payment in the year, (that is to say), the 5th day of July, the 10th day of October, the 5th day of January, and the 5th day of April, in each and every year; and also that it shall and may be lawful to and for the King's Most Excellent Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto Her said Serene Highness Mary Louisa Victoria Princess of Leiningen, when she shall become Duchess of Kent, or to such other Person or Persons as His Majesty shall think fit to be named in such Letters Patent, and his or their Heirs, to the use of or in trust for Her said Serene Highness, an annuity of £6,000 of like

lawful money, which shall have commencement and take effect immediately from and after the decease of His said Royal Highness the Duke of Kent, in case her said Serene Highness shall survive him, and shall continue from thenceforth for and during the natural life of Her said Serene Highness, and shall be paid and payable in equal portions at the 4 days of payment herein-before mentioned ; the 1st payment thereof to be made at such of the said days of payment as shall first and next happen after the decease of His said Royal Highness the Duke of Kent, in case her said Serene Highness shall survive him as aforesaid ; and that the said several Annuities shall and may in and by such Letters Patent be directed to be respectively issuing and payable out of and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, (after paying or reserving sufficient to pay all such sums as have been directed to be paid out of the same by any Act or Acts of Parliament made previous to the time of passing this Act), but with preference to all other payments which shall or may at any time or times after the passing of this Act be charged upon and payable out of the said Fund.

II. And be it further enacted, that the said several Annuities, as the same shall take effect, shall be paid and payable during the continuance of the same respectively at the receipt of His Majesty's Exchequer at Westminster; and the Auditor of the said Receipt shall and he is hereby required by virtue of such Letters Patent respectively to make forth and pass Debentures from time to time for paying the said several Annuities during the continuance of the same respectively, and as the same shall become due and payable, without any fees or charges to be demanded or taken for paying the same, or any part thereof; and the said Debentures to be made forth and passed as aforesaid shall be sufficient authority to the several and respective Officers of the Receipt of the Exchequer now and for the time being for the payment of the said several Annuities, as the same shall take effect, according to the directions of this Act, without any further or other Warrant to be sued for, had, or obtained in that behalf.

III. And be it further enacted, that the said several annuities, and every part thereof respectively, shall be free and clear from all taxes, rates, and assessments, and all other charges whatever, imposed or to be imposed by authority of Parliament or otherwise.

TREATY of Marriage between the Duke of Kent and the Princess of Saxe-Coburg, Princess Dowager of Leiningen.
—Signed at London, the 29th of July, 1818.

(Translation.)

Traité entre Sa Majesté Britannique et Son Altesse Sérénissime le Duc Règnant de Saxe-Cobourg Saalfeld, touchant le Mariage de Son Altesse Royale le Duc de Kent avec Son Altesse Sérénissime Madame la Princesse Douairière de Linange.

Au Nom de Dieu Tout Puissant.

SACHENT tous présens et à venir, que Son Altesse Royale le Prince Régent, agissant au nom et de la part de Sa Majesté George III, Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Défenseur de la Foi, Roi d'Hanovre, &c. et Son Altesse Sérénissime le Duc Règnant de Saxe Cobourg et Saalfeld, étant intimement unis par les liens les plus chers du sang et de l'amitié, ont consenti, avec la plus vive satisfaction, au Mariage de Son Altesse Royale le Duc de Kent, Frère de Son Altesse Royale le Prince Régent avec Son Altesse Sérénissime Madame la Princesse Douairière de Linange, née Princesse de Saxe-Cobourg, Sœur de Son Altesse Sérénissime le Duc Règnant de Saxe-Cobourg et Saalfeld, et que ce Mariage a été dûment et légalement solemnisé à Cobourg et à Londres, selon les Loix des 2 Pays, et les rites des Eglises Protestantes qui y sont respectivement établies.

Treaty between His Britannic Majesty and His Serene Highness the Reigning Duke of Saxe-Cobourg Saalfeld, for the Marriage of His Royal Highness the Duke of Kent with Her Serene Highness the Princess Dowager of Leiningen.

In the Name of Almighty God.

BE it known unto all Men, that His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty George the IIIrd, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. and His Serene Highness the Reigning Duke of Saxe-Cobourg Saalfeld, being nearly allied by the closest ties of consanguinity and friendship, have, with the utmost satisfaction, consented that a Marriage shall take place between His Royal Highness the Duke of Kent, Brother of His Royal Highness the Prince Regent, and Her Serene Highness the Princess Dowager of Leiningen, born Princess of Saxe-Cobourg, Sister of His Serene Highness the Reigning Duke of Saxe-Cobourg Saalfeld, which Marriage has already been duly and lawfully solemnized at Cobourg and at London, according to the Laws of the 2 Countries, and the rites of the Protestant Churches therein respectively established.

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[1817—18.]

Son Altesse Royale le Prince Régent, et Son Altesse Sérénissime le Duc de Saxe-Cobourg et Saalfeld, désirant rédiger, dans les formes requises, les engagements contenus dans un Acte provisionnel fait à Cobourg le 29 Mai, 1818, pour servir de base au Contrat de Mariage futur de leurs Altesses Royales, et désirant pourvoir à l'exécution entière et complète des dits engagements, ont nommé et autorisé à cette fin salulaire, leurs Plénipotentiaires respectifs savoir;

Son Altesse Royale le Prince Régent, le Sieur Brook Taylor, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique près la Cour de Wurtemberg; et Son Altesse Sérénissime le Duc Règnant de Saxe-Cobourg et Saalfeld, Louis Guillaume Adolphe Baron de Hardenbrock, Colonel au Service de Son Altesse Sérénissime;

Lesquels, après s'être communiqués réciproquement leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans:

ART. I. Les Stipulations du Contrat de Mariage entre Son Altesse Royale Madame la Duchesse de Kent, et feu Son Altesse Sérénissime le Prince de Linange, relativement à la disposition de la somme que Son Altesse Royale a reçu comme Dôt lors de son Premier Mariage; sont confirmées.

Son Altesse Royale aura pleine et entière disposition de ses biens et paraphernaux; mais en cas que

His Royal Highness the Prince Regent, and His Serene Highness the Duke of Saxe-Cobourg Saalfeld, being desirous of arranging, in due form, the engagements contracted by a Provisional Act signed at Cobourg the 29th of May, 1818, as the basis of a Contract for the future Marriage of their Royal Highnesses, and being also desirous of ensuring the full and complete execution of the said engagements, have named and authorized for this purpose as their respective Plenipotentiaries, viz.

His Royal Highness the Prince Regent, Brook Taylor, Esq. His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Wurtemberg; and His Serene Highness the Reigning Duke of Saxe-Cobourg Saalfeld, Louis William Adolphus Baron de Hardenbrock, a Colonel in His Serene Highness's service:—

Who, after having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:

ART. I. The Stipulations of the Contract of Marriage between Her Royal Highness the Duchess of Kent, and His Serene Highness the late Prince of Leiningen, relative to the disposal of the sum which Her Royal Highness received as her Portion on her former Marriage, are hereby confirmed.

Her Royal Highness shall have the full and entire disposal of her property and paraphernalia; but

Son Altesse Royale vient à décéder sans Enfans et sans Testament, les biens et paraphernaux qu'elle possédait avant ce Mariage, seront rendus à Son Altesse Sérénissime le Duc Règnant de Saxe-Cobourg, ou ses Successeurs: à cette fin, et pour éviter tout mal entendu, on en dressera des Inventaires, lesquels pour assurer leur validité, seront signés et approuvés par Son Altesse Royale le Duc de Kent.

II. Son Altesse Royale Madame la Duchesse de Kent renonce, conformément aux usages et aux Pactes de Famille de la Maison de Saxe, en faveur de la succession masculine, à tout héritage provenant de cette Maison, de la même manière, dans les mêmes termes, et avec les mêmes réserves et la même force d'engagement, que l'ont fait jusqu'à présent, en se mariant, les Princesses de Saxe. Et son Altesse Royale le Prince Régent, agissant de la part de Sa Majesté Britannique, en son nom, et celui de son Frère le Duc de Kent, confirme cette renonciation de la manière la plus expresse et la plus solennel. Cependant cette renonciation n'exclut pas Madame la Duchesse de ce que pourroit lui revenir par des Traités et des Ordonnances de la Maison de Saxe, ou bien par un testament en sa faveur par ses illustres parens.

III. Son Altesse Royale le Duc de Kent ayant promis de fournir annuellement, et pendant tout le tems

in case Her Royal Highness should die without Issue and without leaving a Will, the property and paraphernalia which she possessed prior to this Marriage, shall be restored to His Serene Highness the Reigning Duke of Saxe-Cobourg, or to his Successors: in order to avoid all misunderstanding on this subject, Inventories thereof shall be prepared, which, to ensure their correctness, shall be signed and approved by His Royal Highness the Duke of Kent.

II. Her Royal Highness the Duchess of Kent hereby renounces, in favour of the Succession in the male line, agreeably to the usage and to the family engagements of the House of Saxony, all right of inheritance arising from the said House, in the same manner, on the same conditions, with the same reservations, and with equal validity and effect, as has been hitherto done by all the Princesses of Saxony, on their Marriage. And His Royal Highness the Prince Regent, acting on the behalf of His Britannic Majesty, in His own name, and in that of His Brother the Duke of Kent, confirms this renunciation in the most express and solemn manner. Nevertheless, the above renunciation does not exclude the Duchess from whatever may revert to her by Treaties and Regulations of the House of Saxony, or by any bequest of her illustrious relations in her favour.

III. His Royal Highness the Duke of Kent having promised to pay annually, during the whole

de Son Mariage, à Son Altesse Royale Madame la Duchesse de Kent, pour ses épingles et ses dépenses journalières, la somme de £3,000, dont Son Altesse Royale Madame la Duchesse aura la libre disposition à son propre usage; sous entendu que Son Altesse Royale Madame la Duchesse s'engage à payer elle même sa Dame d'Honneur, ses Femmes de Chambre, et son Valet de Chambre, et se charge des frais de sa Garderobe:—Son Altesse Royale le Prince Régent, agissant au nom et de la part de Sa Majesté Britannique, promêt et s'engage de faire tout ce qui dépendra d'Elle, pour assurer l'exécution pleine et entière du dit engagement de la part de Son Altesse Royale le Duc de Kent. Cette somme annuelle de £3,000 sera déposée entre les mains des Commissaires qui seront nommés à cet effet par Son Altesse Royale le Prince Régent. Les dits Commissaires recevront la dite somme de £3,000 pour l'usage seul et séparé de la dite Princesse, nonobstant son Mariage, et sans que la dite somme soit, en aucune manière, au pouvoir ou à la disposition de Son Altesse Royale le Duc de Kent.

IV. Son Altesse Royale le Prince Régent s'engage, au nom et de la part de Sa Majesté Britannique, d'assurer à Madame la Duchesse, pour le triste cas d'une séparation douloureuse par la mort de Son Altesse Royale le Duc de Kent, la somme annuelle de £6,000 pour Douaire.

V. Durant la tutelle que Son Altesse Royale Madame la Du-

period of his Marriage, to her Royal Highness the Duchess of Kent, the sum of £3,000 sterling for her pin money and her daily expences, of which the Duchess shall have the free disposal for her own use; it is however understood, that her Royal Highness engages herself to pay her Maid of Honour, her Ladies of the Bed-Chamber, and her Valet, and to defray the expences of her wardrobe:—His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty, promises and engages to do all that lies in his power to ensure the full and complete execution of the said engagement on the part of His Royal Highness the Duke of Kent. The said sum of £3,000 per annum, shall be placed in the hands of Trustees, to be appointed for that purpose by His Royal Highness the Prince Regent. The said Trustees shall receive the said sum of £3,000 for the sole and separate use of the said Princess, notwithstanding her married state, without its being, in any manner, in the power or at the disposal of His Royal Highness the Duke of Kent.

IV. His Royal Highness the Prince Regent, in the name and on the behalf of His Britannic Majesty, engages to secure to the Duchess, in the afflicting event of a separation by the death of His Royal Highness the Duke of Kent, the annual sum of £6,000 for her Jointure.

V. During the guardianship which Her Royal Highness the

chesse de Kent s'est réservée sur les Enfants du premier Mariage, son séjour en Allemagne est accordé, et ne pourra être contesté d'aucune manière.

VI. Le présent Traité sera ratifié, et les Ratifications en seront échangées le plutôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Londres, le 29 Juillet, l'an de Grâce 1818.

(L. S.) BROOK TAYLOR.

(L. S.) BARON DE
HARDENBROCK.

Duchess of Kent has reserved to herself to exercise over the Children of her former Marriage, her residence in Germany is agreed to, and shall not, in any manner, be disputed.

VI. The present Treaty shall be ratified, and the Ratifications thereof shall be exchanged as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London, the 29th day of July, in the year of our Lord 1818.

(L. S.) BROOK TAYLOR.

(L. S.) BARON DE
HARDENBROCK.

TREATY of Marriage between The Duke of Clarence and The Princess Adelaide of Saxe-Coburg Meiningen.—Signed at London, the 9th of July, 1818.

(Translation.)

Traité entre Sa Majesté Britannique et Son Altesse Sérénissime Madame la Duchesse Douairière et Régente de Saxe-Cobourg-Meiningen, touchant le Mariage de Son Altesse Royale le Duc de Clarence avec Son Altesse Sérénissime Madame la Princesse Adelaide de Saxe-Cobourg-Meiningen.

Au Nom de Dieu tout Puissant.

SACHENT tous présens et à venir, comme ainsi soit, que Son Altesse Royale Le Prince Régent, agissant au nom et de la part du très haut et très puissant Prince et Seigneur George III, par la Grâce de Dieu,

Treaty between His Britannic Majesty and Her Serene Highness the Duchess Dowager and Regent of Saxe-Cobourg-Meiningen, for the Marriage of His Royal Highness the Duke of Clarence with Her Serene Highness the Princess Adelaide of Saxe-Cobourg-Meiningen.

In the Name of Almighty God.

BE it known unto all men by these presents, that His Royal Highness the Prince Regent, acting in the name and on the behalf of His Most Sacred Majesty George the IIIrd, by the

Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Défenseur de la Foi, Roi d'Hanovre, &c. &c. &c. et Son Altesse Sérénissime Louise Eléonore, par la Grace de Dieu, Duchesse Douairière de Saxe-Cobourg Meiningen, de Juliers, Cleves, Berg, Angrie et Westphalie, Landgrave de Thuringe, Margrave de Misnie, Princesse de Henneberg, née Princesse de Hohenlohe-Langenberg, Tutrice et Régente, étant intimement unis par les liens les plus chers du sang et de l'amitié, ont consenti, avec la plus vive satisfaction, au Mariage de Son Altesse Royale le Duc de Clarence, Frère de Sa dite Altesse Royale Le Prince Régent, avec Son Altesse Sérénissime Madame la Princesse Adelaide Amélie Louise Thérèse Caroline, Duchesse de Saxe, Juliers, Cleves, Berg, Angrie, et Westphalie, Landgrave de Thuringe, Margrave de Misnie, Comtesse Princièrre de Henneberg, Comtesse de Mark et Ravensberg, Dame de Ravenstein, &c. et que ce Mariage va être dûment et légalement solemnisé en Angleterre selon les Loix du Pays, et les rites de l'Eglise Anglicane. Leurs Altesse Royale et Sérénissime voulant rédiger, en forme de Traité, les Engagemens à prendre à cet égard, ont nommé et autorisé à cette fin salutaire leurs Plénipotentiaires respectifs, savoir :

Son Altesse Royale le Prince Régent, agissant au nom

Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, King of Hanover, &c. &c. &c. and Her Serene Highness Louisa Eleanor, by the Grace of God, Duchess Dowager of Saxe-Cobourg-Meiningen, of Juliers, Cleves, Berg, Angria, and Westphalia, Landgravine of Thuringia, Margravine of Misnia, Princess of Henneberg, born Princess of Hohenlohe-Langenberg, Guardian and Regent, being nearly allied by the closest ties of consanguinity and friendship, have, with the utmost satisfaction, consented that a Marriage shall take place between His Royal Highness the Duke of Clarence, Brother of His said Royal Highness the Prince Regent, and Her Serene Highness the Princess Adelaide Amelia Louisa Theresa Caroline, Duchess of Saxony, Juliers, Cleves, Berg, Augria, and Westphalia, Landgravine of Thuringia, Margravine of Misnia, Countess and Princess of Henneberg, Countess of Mark and Ravensberg, Lady of Ravenstein, &c. and that the said Marriage shall be duly and lawfully solemnized in England, according to the Laws of the Country, and the rites of the English Church : their Royal and Serene Highnesses being therefore desirous to arrange by a Treaty, the engagements to be contracted in this respect, have, for that purpose, named and authorized as their respective Plenipotentiaries, viz. :

His Royal Highness the Prince Regent, acting in the name

et de la part de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Comte de Liverpool, Premier Commissaire de la Trésorerie, et Chevalier du Très Noble Ordre de la Jarrettière: et Son Altesse Sérénissime Madame la Duchesse de Saxe-Cobourg Meiningen, Son Excellence le Baron Chrétien Ferdinand de Konitz d'Untersiemman, Weisenbrunn, et Birkach, Conseiller intime actuel de Son Altesse Sérénissime Madame la Duchesse Douairière de Saxe-Cobourg Meiningen, Tutrice et Régente, Commandeur de l'Ordre Grand Ducal du Faucon blanc:— Lesquels, après s'être communiqués réciproquement leurs Plein-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Son Altesse Sérénissime Madame la Duchesse de Saxe-Cobourg Meiningen accorde à Son Altesse Sérénissime Madame la Princesse sa Fille, une Dôt de 20,000 florins de Misnie, comme faisant la Dôt ordinaire des Princesses de la Maison de Saxe-Cobourg Meiningen ; et pour le Trousseau, la somme de 6,000 florins de Misnie.

II. Ces 2 susdites sommes, de même que les biens paraphernaux appartenans à la Princesse, future Epouse, et tous ceux qui pourraient lui échoir par la suite, tant par succession que par donation, resteront à sa disposition entière et parfaitement libre, tant pour la propriété que pour l'usufruit, en tout tems et dans tous les cas, soit durant sa vie, soit en cas de la

and on the behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Earl of Liverpool, First Commissioner of the Treasury, and Knight of the Most Noble Order of the Garter: and Her Serene Highness the Duchess Dowager of Saxe-Cobourg-Meiningen, His Excellency the Baron Christian Ferdinand de Konitz d'Untersiemman, Weisenbrunn, and Birkach, Privy Councillor of Her Serene Highness the Duchess Dowager of Saxe-Cobourg-Meiningen, Guardian and Regent, Commander of the Grand Ducal Order of the White Falcon:— who, after having communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles :

ART. I. Her Serene Highness the Duchess of Saxe-Cobourg-Meiningen agrees to bestow on her Serene Highness the Princess her Daughter, a Marriage Portion of 20,000 Misnia florins, that sum being the usual Portion of the Princesses of the House of Saxe-Cobourg-Meiningen, and a further sum of 6,000 Misnia florins for her Outfit, or *trousseau*.

II. The 2 sums above-mentioned, as well as the paraphernalia now belonging to the Princess, or which may hereafter revert to her, either by inheritance or by gift, shall, at all times and in all cases, during her own life, or in the event of the death of her Husband, remain at her own disposal, both as to the property and the use thereof: the Marriage Portion

mort de Son Altesse Royale Son Epoux : néanmoins la Dôt de 20,000 florins de Misnie sera reversible à la Maison Ducale de Saxe-Cobourg Meiningen, si la Princesse, future Epouse, venait à décéder sans laisser de postérité.

III. Aussi long tems qu'il n'y aura point d'Enfans de ce Mariage, les susdites sommes, de même que les biens paraphernaux susmentionnés, resteront placés à la Caisse Ducale de la Chambre des Domaines ; laquelle en payera les intérêts à 5 pour cent par année.

IV. Aussitôt qu'il y aura des Descendans de ce Mariage, la dite Chambre des Domaines sera tenue de payer annuellement à la Princesse, future Epouse, la somme de 5,000 florins de Misnie, outre les intérêts courans, qui seront acquittés tous les 6 mois, jusqu'à l'acquittement entier des sommes appartenantes à la Princesse.

V. Son Altesse Sérénissime Madame la Princesse Adelaide renoncera, et sera censée d'avoir renoncé, conformément aux usages et aux Pactes de Famille de la Maison de Saxe Cobourg Meiningen, en faveur de la Succession Masculine, à tout héritage provenant de cette Maison ; de la même manière, dans les mêmes termes, avec les mêmes reserves, et la même force d'engagement, que l'ont fait jusqu'à présent, en se mariant, toutes les Princesses de Saxe : et Son Altesse Royale le Prince Régent, agissant de la part de Sa Majesté Britannique, en Son nom, et en celui de Son Frère le Duc de Clarence, accède aux dispositions

of 20,000 Misnia florins, shall, nevertheless, return to the Ducal House of Saxe-Cobourg-Meiningen, if the said Princess should die without issue.

III. Until such time as there shall be Children from this Marriage, the above-mentioned sums, as well as the paraphernalia, shall remain in the Treasury of the Ducal Chamber of Domains, which shall discharge the interest thereof at the rate of 5 per cent. per annum.

IV. As soon as there shall be issue from this Marriage, the said Chamber of Domains shall pay to the Princess the annual sum of 5,000 Misnia florins, over and above the current interest, which shall be discharged every 6 months, until the total payment of the monies belonging to the Princess.

V. Her Serene Highness the Princess Adelaide shall renounce, and is hereby considered to have renounced, in favour of the Succession in the male line, agreeably to the usage and to the family engagements of the House of Saxe-Cobourg-Meiningen, all right of inheritance arising from the said House ; in the same manner, on the same conditions, with the same reservations, and with equal validity and effect, as has been hitherto done by all the Princesses of Saxony upon their Marriage. And His Royal Highness the Prince Regent, acting on the behalf of His Britannic Majesty, in his own name, and in that

de cette renonciation, de la manière la plus expresse et la plus formelle.

VI. Son Altesse Royale le Duc de Clarence ayant promis de fournir annuellement, et pendant tout le tems de son Mariage, à son Altesse Sérénissime sa future Epouse, pour ses épingles et ses dépenses journalières, la somme de £2,000., dont Son Altesse Sérénissime aura la libre disposition à son propre usage, sans que l'entretien des personnes attachées à sa suite, et destinées à son service, puisse être pris sur cette somme, Son Altesse Royale le Prince Régent, agissant au nom et de la part de Sa Majesté Britannique, a bien voulu prendre sur elle l'exécution pleine et entière du dit engagement. Son Altesse Royale le Prince Régent en conséquence promèt et s'engage d'assurer à Son Altesse Sérénissime Madame la Princesse Adelaide, le payement annuel, des revenus de Son Altesse Royale le Duc de Clarence, de £2,000., laquelle somme sera déposée entre les mains des Commissaires qui seront nommés à cet effet par Son Altesse Royale le Prince Régent. Les dits Commissaires recevront la dite somme de £2,000, pour l'usage seul et séparé de la dite Princesse, nonobstant son Mariage, et sans que la dite somme soit, en aucune manière, au pouvoir ou à la disposition de Son Altesse Royale le Duc de Clarence.

VII. Dans le cas du prédécès de Son Altesse Royale le Duc de

of His Brother the Duke of Clarence, accedes to the provisions of the said renunciation, in the most express and formal manner.

VI. His Royal Highness the Duke of Clarence having engaged to pay annually to Her Serene Highness his intended Wife, during the whole period of her Marriage, the sum of £2,000 for her pin money, and her daily expences, of which Her Serene Highness shall have the free disposal for her own use, without any deduction being made therefrom for the maintenance of the individuals attached to her Suite, and employed in her service, His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty, has been pleased to take upon himself the full and entire execution of the said engagement: His Royal Highness the Prince Regent therefore promises and engages to secure to Her Serene Highness the Princess Adelaide, out of the revenues of His Royal Highness the Duke of Clarence, the yearly payment of £2,000, which sum shall be placed in the hands of Trustees to be appointed for that purpose by His Royal Highness the Prince Regent. The said Trustees shall receive the said sum of £2,000, for the sole and separate use of the said Princess, notwithstanding her married state, without its being, in any manner, in the power or at the disposal of His Royal Highness the Duke of Clarence.

VII. In the event of His Royal Highness the Duke of Clarence,

Clarence (dont Dieu veuille conserver les jours jusqu'au terme le plus éloigné) Son Altesse Royale le Prince Régent promêt, au nom et de la part de Sa Majesté Britannique, de faire tout ce qui dépendra de Lui pour assurer à Son Altesse Sérénissime un Douaire dont le montant sera fixé à £6000.

VIII. Le présent Traité sera ratifié, et les Ratifications en seront échangées le plutôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Londres le 9 Juillet, 1818.

(L. S.) LIVERPOOL.

(L. S.) C. BARON DE
KONITZ.

(whom God preserve many years,) dying before the Princess, His Royal Highness the Prince Regent, acting in the name and on the behalf of His Britannic Majesty, engages to do all that lies in his power to secure to Her Serene Highness a Jointure amounting to £6,000.

VIII. The present Treaty shall be ratified, and the Ratifications thereof shall be exchanged as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at London the 9th day of July, 1818.

(L.S.) LIVERPOOL.

(L.S.) C. BARON DE
KONITZ.

MESSAGE from the President of The United States to Congress, transmitting a Report of the Secretary of the Navy, relative to the Proceedings under the Act of Congress, of 1816, for the gradual increase of the Navy.—2nd February, 1818.

TO THE SENATE OF THE UNITED STATES :

IN compliance with a Resolution of the Senate, of the 8th of last month, requesting me to cause to be laid before it, the proceedings which may have been had, under an Act, entitled " An Act for the gradual increase of the Navy of The United States," specifying the number of Ships put on the stocks, and of what class; the quantity of materials procured for Ship-building; and, also, the sums of money which may have been paid out of the fund, created by said Act; and for what objects; and, likewise, the Contracts which may have been entered into, in execution of the Act aforesaid, on which moneys may not yet have been advanced: I now transmit a Report of the Secretary of the Navy, accompanied by a Report from the Board of Commissioners

of the Navy, with Documents, which contain the information desired.

JAMES MONROE.

SIR, *Navy Department, 29th January, 1818.*

IN pursuance of the Resolution of the Senate of the 8th instant, I have the honor to transmit, herewith, Papers marked A. No. 1 and 2, and B, No. 1 and 2, which will, it is believed, meet the various objects of inquiry, embraced in the said Resolution.

With the highest respect, &c.

R. W. CROWNINSHIELD.

The President of The United States.

(A. 1.)—*The President of the Navy Board to the Secretary of the Navy.*

SIR, *Navy Commissioners' Office, 20th January, 1818.*

THE Board of Navy Commissioners have been honored with your Communication of the 9th instant, enclosing a Copy of a Resolution of the Honorable the Senate, and requiring of them all the information within their knowledge, in relation to the objects of that Resolution.

In obedience to this call, they make the following Report, and accompany it with a detailed Statement marked A, which they trust will be found to meet fully your views of the information required.

Of the proceedings which have been had under the Act for the gradual increase of the Navy, the Exhibit will show :

That Contracts have been entered into for the live oak frames, cut to moulds, of 8 Line of Battle Ships, and 8 Frigates ; that the frame of 1 Line of Battle Ship and 1 Frigate is now cutting from Blackbeard Island, under the direction of the Board, from timber belonging to The United States ; that 1 Line of Battle Ship is now building from promiscuous timber collected at this Navy Yard, and that there is also promiscuous live oak for framing a Frigate, collected and collecting at this yard ; which make the frames of 10 Line of Battle Ships and 10 Frigates.

Of the Contracts, however, it has been ascertained that one which embraced the quantity of live oak required for the frames of 1 Line of Battle Ship and 2 Frigates will not be executed ; and doubts are entertained whether another of the Contracts which is for the frames of 2 Ships of the Line and 2 Frigates, will be executed. Hence the Commissioners can only state with any degree of certainty, that provision has been made for the frames of 7 Ships of the Line and 6 Frigates.

Of the copper and lead required in the construction of the Ships authorized, when the quantity contracted for shall be delivered, (and nearly all has been delivered,) we shall have a sufficiency for all the Ships of the Line authorized, and for 10 Frigates.

Of white oak and pine, it will be perceived that we have contracted for, and otherwise provided, as follows:

A sufficient quantity of oak plank for 7 Ships of the Line and 4 Frigates, and nearly all the pine plank required for 7 Ships of the Line and 4 Frigates.

Beams for 5 Ships of the Line and 4 Frigates.

Ledges, long combings, and ranging timber for 7 Ships of the Line and 5 Frigates.

Knees for 6 Ships of the Line and 3 Frigates.

Mast-stuff for 3 Ships of the Line and 2 Frigates; and we have also engaged, and have now delivering, the keels and keelson pieces for 5 Ships of the Line and 1 Frigate.

Of cannon carronades, round and grape-shot, we have contracted for the quantity required for 2 Ships of the Line.

Of iron, we have engaged, and have now on hand, nearly all that is required for 4 Ships of the Line and 1 Frigate.

Upon the subject of the Steam Batteries, authorized by the Law for the "gradual increase of the Navy," the Commissioners have engaged 1 steam engine of 100 horse power.

The Commissioners have also established an anchor shop at this Navy Yard, where all the anchors required will be made. They are also making at this yard, iron cables.

One Ship of the Line is ordered to be laid down at each of the following Navy yards, viz.

Portsmouth,	Boston,
New York,	Philadelphia,
Washington,	Norfolk.

Preparations are also making in each of these yards, and materials to a considerable extent have been collected.

Of the Ships ordered to be laid down, those at New York, Norfolk and Washington, have been put on the stocks, and are progressing; those at the other points named, will be laid down as soon as circumstances will admit.

The Ships now building under the Act for "the Gradual Increase of the Navy," are regular 2-deck Ships, and unless guns be mounted on their gangway, which is not usual, they will mount the same number of guns with our present 74s. Hitherto, no Ship having but 2 decks, has rated higher than an 80; and we beg leave to observe, that the Ships now building, are of inferior capacity to some Ships of other Nations having but 2 decks.

The payment of moneys not coming within the province of the Board, they can offer no definite information upon that subject. Upon this branch of the inquiry they can only afford information as to the probable amount of the Contracts made by them. As to the payments

made upon these Contracts, and upon the purchases of the respective Navy Agents, as also the payments to the Superintendents, of timber, moulding, the carpenters, and laborers employed in procuring timber, in the construction of the Ships, and in the preparatory arrangements in the different Navy Yards, and for the transportation of timber, it is presumed that the Auditor of Navy Accounts can afford precise information.

On the subject of advances upon Contracts, the Board beg leave to observe, that in 2 instances only, namely, those for canuon, carronades and shot, have they stipulated to make advances. In these cases they agreed to depart from their general rule upon the subject, with a view to the improvement of the ordnance of the Navy, which having been found extremely defective, rendered it necessary to make a series of experiments, which subjected the Contractors to considerable expense.

The Navy Commissioners would here respectfully observe, that their attention has been engaged, since the Act of 29th April, 1816, in procuring, within the shortest period possible, the live oak timber necessary in the construction of the Ships authorized by that Act. They found, in the outset, much difficulty in forming Contracts for this article, the live oak growing only in places remote from our Navy Yards, and where it can be got out only in certain months in the year, interposed insurmountable difficulties to its being immediately procured; no Contractor would engage to deliver the frame even of a Frigate in less than 2 seasons. One cutting season only having elapsed since the passage of the Act of 29th April, 1816, will show why a greater quantity of this timber has not at this time been delivered.

The Commissioners now entertain no doubt of being able to procure all the live oak required for the Ships authorized, as well as every other material necessary in their construction; and, if it should be the wish of the Executive, to launch them, within the period contemplated by the Law, and for the sum appropriated.

I have the honor to be, &c.

JOHN RODGERS, *President of the Navy Board.*
The Hon. Benjamin W. Crowninshield.

(A 2.)—*Statement of the Proceedings of the Board of Navy Commissioners, under the Act of Congress, entitled, "An Act for the Gradual Increase of the Navy of The United States," passed 29th April, 1816.*

Under this Act, the Navy Commissioners have, at various periods, made the following Contracts, viz.

For live oak timber, cut to moulds, they have contracted for

187,184 cubic feet, for Line of Battle Ships, and 122,168 cubic feet, for Frigates, with the following Persons :

	For 74's.	For 44's.
E. Livingston.....	46,796	30,542
J. Snow.....	23,398	30,542
E. and T. Swift.....	23,398	
I. Spalding.....		15,271
H. Eckford.....	23,398	15,271
E. Swift.....	23,398	
H. Lindsay.....	23,398	15,271
N. Bixby and Co.....	23,398	15,271
	<hr/>	<hr/>
Contracted for	187,184	122,168
Add the timber now cutting on Black-beard Island.....	23,398	15,271
And the timber collected and collecting at the Navy Yard at Washington.....	23,398	15,271
	<hr/>	<hr/>
Whole quantity contracted for, and otherwise provided and providing	233,980	152,710
	<hr/>	<hr/>

Which would be a sufficient quantity for 10 Ships of the Line, and 10 Frigates of the largest class. But it has been ascertained that 1 of the Contracts, namely, that with Mr. Snow, will not be fulfilled. This reduces the quantity to 9 Ships of the Line and 8 Frigates. And as Mr. Livingston has not yet delivered any timber under his Contract, doubts are entertained whether he will execute it. Should these doubts be confirmed, the quantity of live oak timber engaged and otherwise provided by the Navy Commissioners, will only be sufficient for 7 Ships of the Line and 6 Frigates.

An essential consideration in making the Contract with Mr. Livingston, being to secure to the Government the payment of a large sum of money, for which that Gentleman stands indebted, the Navy Commissioners feel it to be a duty on their part to urge a compliance with the Contract, by all the means in their power, and not to abandon it while the least prospect of its being fulfilled shall exist. Under other circumstances, the Commissioners would some time since have abandoned the Contract with Mr. Livingston, and engaged the timber of some other Person.

Should Mr. Livingston comply with his Contract, the live oak timber engaged may be estimated to cost 462,463 dollars 43 cents; but should he fail to execute his Contract, the estimate will necessarily be reduced to 346,407 dollars 28 cents.

Of these Contracts for live oak timber, those with E. and T. Swift, H. Eckford, and I. Spalding, are nearly completed; and no doubt exists that they, as well as the Contracts with E. Swift, H. Lindsay, and A. Bixby and Co., will be fully complied with, within the periods respectively stipulated by them.

Copper.—Of this article the Commissioners have engaged 1,680,835 pounds, a quantity sufficient for 9 Ships of the Line, and 10 Frigates of the First Class; nearly all of this copper has been delivered. The Contracts have been made with the following Persons:

	Lbs.
L. Hollingsworth	for 264,781
S. I. Isaacs, and Soho Copper Company.....	264,781
P. Revere and Sons	227,237
D. A. Smith	391,233
A. Gracie and Sons	69,570
R. E. Griffith.....	391,233

Lbs. 1,608,835

Which is estimated to cost 491,932 dollars 60 cents.

Cannon, Carronades, and Shot.—The Commissioners have made 2 Contracts for cannon, carronades and shot, each embracing the quantity required for 1 Ship of the Line. These Contracts have been made with J. Mason and John Swartwout and others. The amount of the 2 Contracts is estimated at 113,496 dollars. Of these Contracts considerable progress has been made by Mr. Mason in executing his, and Messrs. Swartwout and others will, without doubt, complete theirs within the period stipulated.

For special considerations, set forth in these 2 Contracts, the Navy Commissioners agreed to make, upon the most ample security, an advance of 15,000 dollars to each Contractor.

Oak and Pine Plank, Beams, Knees, long Combings, ranging Timber, Mast Stuff, &c.—Of these articles the Navy Commissioners have contracted for 2,154,468 feet of oak plank; 957,250 feet of yellow pine plank; 46,866 cubic feet of yellow pine beams; 113,756 cubic feet of yellow pine and oak, for ledges, long combings, and ranging timber; 47,716 sided inches of knees; 271,092 inches of yellow pine, for masts, yards, &c.; and 2,100 cubic feet of oak, for keel and keelson pieces; and for this latter purpose they have procured, through the Navy Agents, about 8,000 cubic feet of white oak.

These Contracts have been made with the following Persons:

	<i>Oak Plank.</i>	<i>Pine Plank.</i>
N. P. Tatem for	235,776	130,250
A. Butt, and others	363,356	232,250
W. Cammack	363,356	232,250
S. Whitehead.....	599,131	362,500
James Murphy	592,850	
	<hr/>	<hr/>
	2,154,468	957,250
	<hr/>	<hr/>

	<i>Beams.</i>	<i>Ledges, &c.</i>
N. P. Tatem for	6,567	19,840
A. Butt, and others	11,244	24,692
W. Cammack	11,244	24,692
S. Whitehead.....	17,811	44,532
	<hr/>	<hr/>
	46,866	113,756
	<hr/>	<hr/>

	<i>Knees.</i>	<i>Mast Stuff, &c.</i>
I. I. B. Kersey, for	10,374	
N. P. Tatem.....	4,154	41,343
A. Butt, and others	6,220	62,802
W. Cammack	6,220	62,802
S. Whitehead	10,374	104,145
E. Thompson	10,374	
	<hr/>	<hr/>
	47,716	271,092
	<hr/>	<hr/>

John F. Tice, 2,100 cubit feet of oak, for keel and keelson pieces.

These Contracts will probably amount to 201,878 dollars, 19 cents.

The Contractors are now engaged in the execution of these Contracts; and it is highly probable that the whole, excepting possibly that with Mr. Kersey, will be completed in the course of the ensuing 9 months.

Canvas.—The Commissioners contracted for 2,300 bolts of American made canvas; the probable amount of which is 49,700 dollars. Of this canvas a considerable quantity has been delivered. It was originally intended as a Contract under the Act for “the Gradual Increase of the Navy,” but being a perishable article, it has since been turned over to repairs.

Lead.—The Commissioners have procured at New York, about 80 tons of lead, which cost 10,398 dollars, 66 cents.

Iron.—Of this article the Commissioners have procured about 500 tons, assorted, of all the various sizes and kinds, required in the construction of Ships of War:—probable cost 52,558 dollars, 89 cents.

Independently of the articles above enumerated, there has been collected:

At Boston, all the oak required for 1 Line of Battle Ship and 1 Frigate; and 16,602 feet of yellow pine.

At New York, 28,490 cubic feet of yellow pine timber, and 9,535 feet of white pine plank.

At Philadelphia, the greater part of the oak and pine plank, beams, knees, &c. for 1 Ship of the Line and 1 Frigate.

At Washington, nearly all the oak and pine required for 1 Line of Battle Ship, and all the pine for 1 Frigate.

At Portsmouth there is 20,364 feet of oak plank, 41,868 feet of yellow pine plank, 10,383 cubic feet of pine timber, 13,351 cubic feet of white oak timber, and 29 pieces of timber suitable for ledges, &c.

The Navy Commissioners have also engaged of Robert M'Queen and Co. a Steam Engine, with all its machinery complete, 24 inch cylinder in the clear, with all the parts proportioned thereto, with a 5 feet stroke, and equal to 100 horse power, for 30,000 dollars: also, copper boilers, warranted of the best workmanship, exclusive of materials, at 10 cts. per pound.

And they have established at this Navy Yard an Anchor Shop, where all the Anchors required for the Navy will be made; and they are at the same place now making Iron Cables.

(B, 1.)—*Abstract of Warrants drawn by the Secretary of the Navy, from the 29th of April, 1816, to 31st of December, 1817, inclusive, out of the Appropriation "for the Gradual Increase of the Navy of The United States."*

Total amount.—Dollars, 827,479.

(B, 2.)—*Statement of Expenditures by Navy Agents and Others, out of the Appropriation for "the Gradual Increase of the Navy of The United States," as appears by Accounts adjusted by the Accountant of the Navy, and 4th Auditor of the Treasury, to 31st December, 1817, inclusive.*

Total amount.—Dollars, 522,039.

CONVENTION relative à l'abolition réciproque du Droit d'Aubaine et de Retraite, et de l'Impôt d'Emigration, entre le Gouvernement Prussien et celui du Royaume des 2 Siciles. — Naples, le 16 Mai, 1818.

Sa Majesté le Roi de Prusse et Sa Majesté le Roi du Royaume des 2 Siciles, animés du désir de faciliter de plus en plus les communications entre leurs Sujets respectifs, et voulant écarter en conséquence tout ce qui peut y mettre quelque obstacle; ont résolu de conclure une Convention à l'objet d'abolir réciproquement dans leurs Etats les Droits d'Aubaine et de Retraite, ainsi que l'Impôt d'Emigration, et ils ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Prusse :

Son Chambellan le Baron de Ramdohr, Conseiller Privé de Légation et son Envoyé Extraordinaire et Ministre Plénipotentiaire à Naples;

Et Sa Majesté le Roi du Royaume des 2 Siciles :

Son Excellence Monsieur D. Louis Loffredo, Prince de Cardito, son Gentilhomme de Chambre en exercice, Chevalier du Grand Ordre de St. Janvier, Conseiller dirigeant de la Chambre du Conseil Suprême de Chancellerie, et Président de la Commission de l'Instruction Publique :

Lesquels, après avoir échangé leurs Pleinspouvoirs, sont convenus des Articles suivans :

ART. I. En vertu de la présente Convention, le Droit d'Aubaine (*Jus Albinagii*) est réciproquement aboli entre les Etats de Sa Majesté le Roi de Prusse et ceux de Sa Majesté le Roi du Royaume des 2 Siciles.

II. En cas d'exportation de biens, argens, ou autres propriétés mobilières de quelque nature que ce soit, hors des Etats de Sa Majesté le Roi de Prusse dans ceux de Sa Majesté le Roi du Royaume des 2 Siciles, et *vice versa*, il ne sera perçu aucun Droit de Retraite (*Gabella hereditaria*), ni Impôt d'Emigration (*Census emigrationis*) soit que l'exportation provienne d'émigration, succession, legs, dot, ou donation, soit qu'elle provienne de toute autre cause.

III. Cette exemption s'étend sans égard à la différence de religion entre les Sujets des 2 Etats, non seulement sur les Droits susmentionnés, à verser dans les Caisses de l'Etat ou du Souverain, mais aussi sur les Droits susdits, à verser dans les Caisses des Communes, soit Villes, soit Bourgs, Fondations Pieuses, Eglises, Couvens, Abbayes, Ordres de Chevalerie, Juridictions Patrimoniales, Corporations et Corps Moraux quelconques, ou Individus; en sorte que ni les Caisses de l'Etat ni celles des Communes, Villes ou Bourgs, Fondations Pieuses, Eglises, Couvens, Abbayes, Ordres de Chevalerie, Juridictions Patrimoniales,

Corporations et Corps Moraux quelconques, ou Individus, ne pourront exiger ou lever aucun des Droits susmentionnés, ni sur les biens, ni sur l'argent, ni sur les propriétés mobilières qui seront à exporter des Etats respectifs.

IV. Cette exemption ne s'étend point aux Taxes ou Impôts qui se lèvent actuellement ou qui pourroient être mis dans la suite, non pas exclusivement sur les biens et successions, qui sortent du Pays, mais sur tous les biens, argens, propriétés mobilières ou successions en général, dans l'un ou l'autre des 2 Etats respectifs.

V. L'exemption des Droits indiqués dans les Articles I et II ne regardant que les biens, argent ou propriétés mobilières, de quelque nature que ce soit ; les Lois émanées dans les Etats de leurs Majestés le Roi de Prusse et le Roi du Royaume des 2 Siciles, au sujet des Individus Emigrants, de leurs devoirs personnels et de leur sujétion au Service Militaire, par lesquelles il est enjoint à tout Sujet qui désire d'émigrer, d'en demander la permission à son Souverain, selon l'ordre établi, seront maintenues en pleine vigueur, nonobstant la présente Convention.

A l'égard du service militaire et des autres devoirs personnels de l'Emigrant, il est convenu qu'il ne sera apporté par cette stipulation aucune restriction aux 2 Gouvernemens dans le maintien et dans l'exercice des Droits et Ordonnances en vigueur, ni dans leur future Législation sur ces mêmes objets.

VI. La présente Convention sera ratifiée, et les Ratifications seront échangées à Naples dans l'espace de 3 mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le Sceau de leurs Armes.

Fait à Naples, le 16 Mai, 1818.

(L.S.)

LE BARON DE RAMDOHR.

(L.S.)

LUDOVICO LOFFREDO,

PRINCIPE DI CARDITO.

[Cette Convention a été ratifiée par Sa Majesté le Roi de Prusse, le 1er, et par Sa Majesté le Roi de Naples, le 5ème Août, 1818.]

CONVENTION de Cartel entre Sa Majesté le Roi de Prusse et Sa Majesté le Roi des Pays-Bas ;—conclue à Berlin, le 11 Juin, 1818.

SA Majesté le Roi de Prusse et Sa Majesté le Roi des Pays-Bas, étant convenus de conclure une Convention de Cartel, et ayant pour cet effet muni de leurs Pleins-pouvoirs :

Sa Majesté le Roi de Prusse :

Le Sieur Jean Louis de Jordan, Son Conseiller Intime et Actuel d'Ambassade, Chef de la 2^{de} et 3^{ème} Section du Ministère des Affaires Etrangères, Chevalier de l'Ordre de l'Aigle Rouge de la 2^e Classe et de la Croix de Fer de la 2^e Classe, Grand-Croix de l'Ordre de Ste Anne de Russie, de celui du Mérite Civil de Bavière et de l'Ordre de l'Etoile Polaire de Suède, Commandeur de l'Ordre de Léopold d'Autriche et de celui du Danebrog de Danemarck, Chevalier de l'Ordre de St. Wolodimir de la 3^{me} Classe de Russie, et de celui de St. Charles d'Espagne ;

Et Sa Majesté le Roi des Pays-Bas :

Le Baron Henri de Perponcher, son Lieutenant-Général, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Prusse, Commandeur de l'Ordre Militaire de Guillaume, Chevalier du Grand Ordre de l'Aigle Rouge :

Les dits Plénipotentiaires, après avoir échangé leurs Pleins-pouvoirs respectifs sont convenus des Articles suivans :

ART. I. Après l'échange des Ratifications de la présente Convention, tous les Déserteurs des Armées des 2 Hautes Parties seront restitués de part et d'autre.

II. Seront réputés Déserteurs, non seulement les Militaires de toute armé et de tout grade, qui quitteront leurs Drapeaux, mais encore les Individus qui, appelés au service actif de la Landwehr, de la Milice Nationale, ou de toute autre branche militaire quelconque, ne se rendroient pas à l'appel et chercheroient à se réfugier sur le Territoire de l'une des 2 Hautes Parties Contractantes.

III. Sont exceptés de la restitution ou de l'extradition qui pourra être demandée en vertu des présentes :

a. Les Individus nés sur le Territoire de l'Etat dans lequel ils auront cherché un asyle et qui, moyennant la désertion, ne feroient que rentrer dans leur Pays natal ;

b. Les Individus qui, après leur désertion, auroient déjà séjourné depuis 2 ans dans les Etats de l'autre Souverain ;

c. Les Individus qui, soit avant soit après leur désertion, se sont rendus coupables d'un crime ou délit quelconque, à raison duquel il y a lieu de les traduire en justice devant les Tribunaux du Pays où ils résident.

Néanmoins en ce cas l'extradition aura lieu après que le Déserteur aura été acquitté ou aura subi sa peine.

Les engagemens civils qu'un Déserteur pourroit avoir contractés dans l'Etat de l'autre Souverain, ne pourront dans aucun cas motiver le refus de son extradition.

IV. Les Autorités qui voudront réclamer un Déserteur, adresseront leurs réclamations à l'Administration, soit civile soit militaire, qui dans les 2 Pays se trouvera le mieux à portée d'y satisfaire. Les dites

Autorités réclamantes accompagneront leur réquisitoire du signalement des Déserteurs, et dans le cas où l'on seroit parvenu à l'arrêter, l'Autorité requérante en sera prévenue par un avis accompagné d'un Extrait du Registre du Geôlier ou Concierge de la Prison où le Déserteur aura été colloqué.

V. Dans le cas où les Déserteurs seroient encore porteurs de leurs armes ou revêtus de leurs équipemens, habillemens ou marques distinctives, sans être munis d'un Passeport, et de même dans tous les cas où il seroit constant, soit par l'aveu du Déserteur, soit d'une manière quelconque, qu'un Déserteur de l'une des Hautes Parties Contractantes se trouve sur le Territoire de l'autre, il sera arrêté sur le champ sans réquisition préalable, pour être livré de suite entre les mains des Autorités compétentes établies sur les Frontières du Territoire de l'autre Souverain.

VI. Si par suite de la dénégation de l'Individu arrêté ou autrement, il s'est élevé quelques doutes sur l'identité d'un Déserteur, la Partie réclamante ou intéressée devra constater au préalable les faits non suffisamment éclairés, pour que l'Individu arrêté puisse être mis en liberté ou restitué à l'autre Partie.

VII. Dans tous les cas, les Déserteurs arrêtés seront remis aux Autorités compétentes, qui feront effectuer l'extradition selon les règles déterminées par la présente Convention. L'extradition se fera avec les armes, chevaux, selles, habillemens et tous autres objets quelconques dont les Déserteurs étoient nantis, ou qui auront été trouvés sur eux lors de l'arrestation. Elle sera accompagnée au surplus du Procès-Verbal de l'arrestation de l'Individu, des Interrogatoires qu'il auroit subis et de toutes autres Pièces nécessaires pour constater la désertion.

Les Hautes Parties Contractantes se concerteront ultérieurement sur la désignation des Places Frontières où la remise des Déserteurs devra être opérée.

VIII. Les frais, auxquels aura donné lieu l'arrestation des Déserteurs, seront remboursés de part et d'autre, à compter du jour de l'arrestation, qui sera constaté par l'Extrait dont il est fait mention à l'Article IV, jusqu'au jour de l'extradition inclusivement. Ces frais comprendront la nourriture et l'entretien des Déserteurs et de leurs chevaux, et sont fixés à 7 stivers, argent d'Hollande, par jour pour chaque homme, et à 10 stivers par jour pour chaque cheval.

Il sera payé en outre par la Partie requérante ou intéressée une prime ou gratification de 7 florins, argent d'Hollande, pour chaque homme, et de 75 florins même monnaie pour chaque cheval et son équipage, au profit de tous ceux qui seront parvenus à découvrir un Déserteur, de sorte qu'il ait été livré entre les mains des Autorités, ou qui auront contribué à la restitution d'un cheval et de son équipage.

Les sommes susdites pourront aussi être acquittées par les Autorités compétentes en argent courant de Prusse, dans lequel cas le florin d'Hollande de 20 stuvers sera compté à raison de 13½ gros, courant de Prusse.

IX. Les frais dont il est fait mention dans l'Article précédent seront acquittés immédiatement après l'extradition.

Les réclamations qui pourroient être faites à cet égard ne seront examinées qu'après que le paiement aura été provisoirement effectué.

X. Les Hautes Parties Contractantes s'engagent mutuellement de prendre les mesures les plus convenables pour la répression de la Désertion et pour la recherche des Déserteurs. Elles feront usage à cet effet de tous les moyens que leur offrent les Lois du Pays, et elles sont convenues particulièrement :

(a.) A faire porter une attention scrupuleuse sur les Individus inconnus qui franchiront les Frontières des 2 Pays sans être munis de Passeports en règle :

(b.) A défendre sévèrement à toute Autorité quelconque d'enrôler ou de recevoir dans le service militaire, soit pour les Armées de Terre, soit pour la Marine, un Sujet de l'autre des Hautes Parties Contractantes qui n'aura pas justifié par des Certificats ou attestations en due forme qu'il est dispensé du service militaire dans son Pays. La même mesure sera applicable dans le cas, où l'une des Hautes Parties Contractantes aura permis à une Puissance Etrangère de faire des enrôlemens dans ses Etats.

XI. La présente Convention est conclue pour le terme de 6 années, sauf aux Parties Contractantes d'y faire tels changemens dont elles pourront convenir, et de la renouveler après l'expiration du dit terme.

Les Ratifications de la présente Convention seront échangées dans le délai de 6 semaines, ou plutôt si faire se peut, et son contenu sera publié dans les 2 Etats pour être observé et exécuté ponctuellement.

En foi de quoi nous, les Plénipotentiaires respectifs, l'avons signé et y avons apposé le Sceau de nos Armes.

Fait à Berlin le 11 Juin, 1818.

(L. S.)

DE JORDAN.

(L. S.)

DE PERPONCHER.

[Cette Convention a été ratifiée à Aix-la-Chapelle, le 18 Octobre, 1818.]

STATEMENTS relating to the Commercial Intercourse between The United States and the British West India Islands and British North American Colonies.—1802 to 1817.*

(A.) *STATEMENT of the Amount of Duties arising on Merchandise Imported into The United States from the British West Indies, and British North American Colonies, from the 1st of October, 1801, to the 30th September, 1816.*

Year ending 30th September.	British West Indies.	British North American Colonies.	Total.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
1802 - -	1,844,442	62,154	1,906,596
1803 - -	1,770,651	58,225	1,828,876
1804 - -	1,939,859	111,578	2,051,437
1805 - -	1,864,119	144,868	1,008,987
1806 - -	2,360,665	188,253	2,548,918
1807 - -	1,948,672	244,125	2,192,797
1808 - -	1,092,091	112,177	1,204,268
1809 - -	611,612	148,224	758,836
1810 - -	535,222	79,602	614,824
1811 - -	453,188	44,915	498,103
1812 - -	16,861	55,780	72,641
1813 - -	33,736	26,552	60,288
1814 - -	2,521	184,794	187,315
1815 - -	1,304,308	1,386,620	2,690,928
1816 - -	2,127,486	317,298	2,444,784

* Annexed to the Report of the Committee of the House of Representatives of The United States, of 9th February, 1818.

(B.) *STATEMENT of the Value of Merchandise, the Produce and Manufacture of The United States and of Foreign Countries, Exported to the British West Indies, and British North American Colonies, from the 1st October, 1801, to the 30th September, 1817.*

Year ending 30th September.	DOMESTIC.			FOREIGN.			GRAND TOTAL.
	British West Indies.	British North American Colonies.	Total.	British West Indies.	British North American Colonies.	Total.	
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
1802 - -	6,228,464	512,561	6,741,025	461,026	172,513	633,539	7,374,564
1803 - -	5,624,647	1,005,846	6,630,493	90,973	154,447	245,420	6,875,913
1804 - -	6,315,667	983,306	7,298,973	731,991	143,929	875,920	8,174,893
1805 - -	5,473,218	970,610	6,443,828	518,189	173,391	691,580	7,135,408
1806 - -	5,092,388	1,124,835	6,217,123	515,640	296,454	814,094	7,031,217
1807 - -	5,322,276	1,338,199	6,660,475	630,361	224,525	855,186	7,515,661
1808 - -	1,427,510	308,636	1,736,145	133,583	70,818	204,371	1,940,516
1809 - -	1,511,570	672,743	2,184,313	154,429	88,699	243,118	2,427,431
1810 - -	2,322,720	1,310,586	3,633,306	71,443	132,250	203,693	3,836,999
1811 - -	1,526,115	1,070,515	2,596,630	128,684	177,929	301,613	2,908,243
1812 - -	1,775,037	643,350	2,418,387	22,203	17,382	39,585	2,457,972
1813 - -	- -	2,422	2,422	- -	- -	- -	2,422
1814 - -	- -	10,060	10,060	- -	- -	- -	10,060
1815 - -	1,684,480	1,396,815	3,081,295	18,493	965	19,358	3,100,653
1816 - -	3,050,729	3,019,171	6,069,900	89,355	40,279	129,634	6,199,534
1817 - -	3,802,462	3,691,392	7,493,854	69,105	27,527	96,632	7,590,486

(C.) *STATEMENT showing the Amount of Duties arising on Merchandise imported into The United States from the British West Indies, and British North American Colonies, in American and Foreign Vessels, during the Years ending on the 30th of September 1815 and 1816.*

On Merchandise im- ported from	IN AMERICAN VESSELS.		IN FOREIGN VESSELS.	
	1815.	1816.	1815.	1816.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
British West Indies -	250,330	313,216	1,053,988	1,314,268
Do. American Colonies	431,849	135,430	954,771	181,968
Dollars -	682,169	448,646	2,008,759	1,996,136

Treasury Department,

Register's Office, 7th January, 1818.

JOSEPH NOURSE, Register.

(D.) *IMPORTATIONS in American and Foreign Vessels from the British West Indies, British American Colonies, and other West Indies, during the year ending on the 30th of September, 1815.*

				IN AMERICAN VESSELS.		
				British West Indies.	British American Colonies.	Other West Indies.
				<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
25 per cent.	-	-	-	99,398	1,168,959	2,999,702
30 per cent.	-	-	-	30,850	156,948	572,547
40 per cent.	-	-	-	17	8,852	40,459
Spirits	-	-	-	227,818	72,508	1,814,650
Molasses	-	-	-	38,506	8,916	3,516,861
Coffee	-	-	-	42,666	430	17,687,856
Cocoa	-	-	-	-	-	89,042
Sugar :						
Brown	-	-	-	125,233	85,715	33,750,094
White	-	-	-	-	-	2,471,840
Loaf	-	-	-	-	-	-
Salt :						
Bushels	-	-	-	317,150	55,066	519,799
Pounds	-	-	-	2,753,292	572,081	4,596,861
				IN FOREIGN VESSELS.		
				British West Indies.	British American Colonies.	All other West Indies, &c.
				<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
28 ⁸⁷⁵	-	-	-	560,394	1,906,236	2,746,062
34 ⁸⁵⁰	-	-	-	138,159	319,963	508,500
46 ⁹⁰	-	-	-	25,612	28,063	62,472
Spirits	-	-	-	867,314	215,511	1,353,419
Molasses	-	-	-	146,160	94,971	1,234,249
Coffee	-	-	-	320,132	2,160	1,754,589
Cocoa	-	-	-	112,002	-	163,421
Sugar :						
Brown	-	-	-	1,465,490	912,949	7,580,632
White	-	-	-	2,749	-	1,010,894
Loaf	-	-	-	2,228	-	-
Salt :						
Bushels	-	-	-	172,834	2,473	202,876
Pounds	-	-	-	2,442,965	-	3,676,364

(E.)—IMPORTATIONS in Vessels of The United States and Foreign Vessels from the British American Colonies, and the British and other West Indies, &c. during the Year ending 30th September, 1816.

	IN AMERICAN VESSELS.			
	British American Colonies.	British West Indies.	All other West Indies, &c.	TOTAL.
	Dollars.	Dollars.	Dollars.	Dollars.
Value of Merchandise paying Duties <i>ad valorem</i> .				
7½ per cent - - - -	544	219	1,522	2,585
15 do. - - - -	12,382	825	130,331	143,538
20 do. - - - -	25,471	86	8,942	34,499
25 do. - - - -	300,213	12,917	206,771	619,901
30 do. - - - -	50,216	2,774	114,331	167,321
Spirits - - - -	21,461	11,350	2,214,050	2,246,861
Molasses - - - -	448	76,385	6,255,242	6,332,175
Coffee - - - -	1,519	68,650	21,089,410	21,159,579
Cocoa - - - -	-	2,328	1,267,496	1,269,824
Sugar:				
Brown - - - -	10,883	937,632	29,036,044	29,984,559
White clayed - - -	2,183	43,244	5,097,257	5,142,684
Pimento - - - -	507	344	19,584	20,435
Salt:				
Pounds - - - -	208,000	16,574,133	1,092,945	18,175,078
Bushels - - - -	70,494	863,625	69,079	1,003,198

	IN FOREIGN VESSELS.			
	British American Colonies.	British West Indies.	All other West Indies, &c.	TOTAL.
	Dollars.	Dollars.	Dollars.	Dollars.
Value of merchandise paying Duties <i>ad valorem</i> .				
8½ per cent - - - -	9,384	-	2,232	11,616
16½ do. - - - -	34,451	19,447	24,327	78,225
22 do. - - - -	9,967	4,153	1,337	15,457
27½ do. - - - -	86,509	316,180	75,291	477,980
33 do. - - - -	17,377	75,286	28,840	116,503
Spirits - - - -	74,539	1,651,291	371,761	2,097,591
Molasses - - - -	4,171	500,594	1,340,468	1,845,233
Coffee - - - -	32,309	1,872,532	1,716,363	3,621,204
Cocoa - - - -	6,395	132,460	83,408	222,263
Sugar:				
Brown - - - -	57,048	5,318,977	7,963,151	13,339,176
White clayed - - -	-	224,409	747,082	971,491
Pimento - - - -	29,331	1,411,818	2,326	1,443,475
Salt:				
Pounds - - - -	209,123	2,508,818	44,660	2,762,601
Bushels - - - -	1,816	423,683	21,372	445,571

Treasury Department,

Register's Office, 10th February, 1818.

JOSEPH NOURSE, Register.

(F.)—*DOCUMENT furnished from the Department of State.*

NOTES on the practical effect of the Treaty lately made between Great Britain and The United States.

1. **THE Duties and Tonnage on British and American Ships and Goods are equalized, except as it respects the Colonies of Great Britain in North America and the West Indies, to which the Treaty does not apply.**

2. **Since the Peace, the Colonial system of Great Britain has been enforced with unusual rigor; neither American Vessels or Property being admitted into her Colonies.**

3. **American Vessels are admitted into the French, Spanish, Dutch, Danish, and Swedish Colonies, in the West Indies, under certain restrictions as to Imports and Exports; and the Vessels of those Nations are admitted under similar restrictions, into the Ports of the British Colonies in the West Indies.**

4. **Very heavy Duties have been recently imposed in the British West Indies on American Produce, even when carried in British Ships, and also on the Exportation of Plaister of Paris, from the Colony of Nova Scotia to the adjoining State of the Union.**

Observations on the preceding facts.

1. In the Agreement to equalize the Duties on the Carrying Trade of the 2 Countries, it will be seen at the first glance, that the positive advantages are on the side of Great Britain. Our Exports are wholly composed of bulky articles, such as lumber, provisions, cotton, tobacco, tar, &c. &c. the whole of which are of primary necessity to the Manufactures and Colonies of Great Britain, and require for their transportation, a quantity of tonnage, tenfold larger than that which would be requisite to bring back their value in British Manufactures. Thus, a single Ship from London or Liverpool frequently brings to The United States, 20 times the value of the Cargo which the same carried from The United States; and of the 100 sail of Vessels which sailed for Ireland during the last season, not more than one would be requisite to bring back the returns in Irish Linens, the only article of merchandise imported from that Country. Now the only advantage which The United States derive from the Treaty, is the removal of the Duty imposed on their produce when carried to British Ports in their own bottoms. It was found proper to remove this Duty, by giving up the immense advantages that would accrue from the exclusive carriage of our own productions. It may, however, be observed with truth, that the British Market, has for many years been as necessary to our productions, as those productions were to that market. But the period of monopoly has passed away, and our raw materials will find as ready a sale in the other parts of Europe, as they have lately found in Great Britain. These observations apply more particularly

to the intercourse between The United States and the European Ports of Great Britain.

2. The seizure and condemnation of American Vessels under the charge of violating the Laws which regulate the West India Trade, leave no doubt as to the determination of the British Government to enforce its Colonial system in the most rigid manner. This severity on the part of Great Britain will warrant a counteraction on ours.

3. We have at present an unrestricted entry into all the Ports of the Island of Cuba; and although Spain may at a future day, fix certain limits to our Imports and Exports; yet there can be no doubt of our having a partial entry for any lumber and other bulky commodities, necessary to her Colonists, as well as a free Export of such as are not wanted for the commerce of the Mother Country. There is a mutual advantage in this exchange which will insure its continuance for many years.

We have also admission into the Dutch, French, Swedish, and Danish Settlements in the West Indies; under such regulations, however, as the respective Governments think proper to impose. These are of a nature to leave us many advantages and to employ a very large tonnage. We have also free admission into the Portuguese Settlements in Brazil, where we might more reasonably expect a total exclusion. In a word, the other European Nations, have so far yielded to the course which nature points out for the supply of their Colonies with necessaries, that they have no restrictions whatever as to the mode in which they are carried. Great Britain, alone, says that we shall not be the carriers of the articles which we ourselves furnish, although they are indispensable, not only to the well being, but frequently to the very existence of her Colonies in the West Indies.

We should have less reason to complain, if the rigor which is shown towards us, were dealt out in equal measure to other Nations. But this is so far from being the case, that Vessels under the Flag of any European Nation, having Colonies in the West Indies, are admitted under certain limitations as to their size and the nature of their Cargoes, the latter of which, however, may be composed of the very articles generally carried from The United States, as well as of indigo, dye woods, specie, &c. &c. and, what must appear very singular in the conduct of a Nation affecting extraordinary morality in its public as well as private character, by far the greatest part of the Commerce carried on under this admission of Foreign Vessels into her West India Islands, is in direct contravention of the Laws of the respective Governments to which they belong.

4. Does it accord with the spirit of liberality, which we are to presume, dictated the late Treaty, to impose most extraordinary Duties

on our productions, even when carried to her Settlements in her own Vessels? She may say with apparent reasons, that she must encourage the consumption of the commodities, which are of her own growth, or of that of her North American Colonies, and that ultimately the Consumer must pay the Duty. But, I trust, that before these observations are closed, it will appear, that this proceeding is grounded in jealousy, and a reliance (I hope a mistaken one) in our apathy.

In considering the Treaty without reference to the West Indies, it would at first appear, that the Carrying Trade is left open to both the Parties, and that there is a fair and equal chance for its emoluments. But on a nearer view, and in connection with the excepted Ports, it will be seen that Great Britain has such decided advantages over us, that unless some vigorous measures are adopted on our part, the Shipping Interests of this Country must necessarily sustain incalculable loss. Instead of a gradual increase, that might rationally be looked for in a Country where every other branch of Trade is progressive, we must be prepared to see our Tonnage reduced, at the end of 4 years, to one-half its actual quantity. Great Britain loads annually 600 sail of Ships in her West India Settlements, which make but 1 voyage a year. They sail from the West Indies, generally, between the months of May and August, and consequently arrive in England between June and October. Of those which arrive first, as many as are requisite are freighted to bring dry goods, &c., to The United States, and if freights do not offer, they are loaded by the Owners with Salt, crates of Earthenware, Coal, Copperas, and a variety of bulky articles, of small value, the profits on which generally afford a moderate freight. When these cargoes are landed in The United States, and others, consisting of provisions, lumber of all sorts, stock, and such other articles as are admitted into the British Colonies, are taken in, they proceed to their West India Settlements with all the prospects of advantage afforded by an exclusive Trade, and they arrive in season to take another freight to England. Now, if the Trade between The United States and the West Indies, in British Ships, were prohibited by our Government, all the British Ships employed in making the indirect voyages of which we have just spoken would remain idle, until the months of November and December, at which time they generally sail from Europe to the West Indies; or they must perform the intermediate voyage by proceeding to the British Settlements on this Continent, to procure their lumber and provisions. But in this operation, the advantage of the outward freight is lost, for those Settlements cannot consume the great quantity of coarse goods which are readily disposed of in The United States, and indeed a sufficiency is supplied by Vessels regularly employed between these Settlements and the Mother Country. Thus,

every article of lumber and provisions, carried from the North American Colonies to the West Indies by Vessels trading in this circuitous manner, must be subject to the charge of double freight. But there is still a greater inconvenience, which cannot be surmounted. Quebec is the only one of the Colonies which can furnish bread stuff for the West Indies. Now, it must be evident, that the West India Ships arrive in Europe too late to proceed to Quebec, as they would certainly be caught by the ice. In the event, therefore, of the exclusion of these Ships from our Ports, they would be unable to procure the profitable employment which they now enjoy by their circuitous voyages, already described.

Again, a considerable tonnage is employed in carrying Timber from the Bay of Fundy to Europe. The Vessels employed in this Trade, like those employed in that of the West Indies, bring freights, or coarse goods, to The United States, and then proceed to execute the main object of their voyage, after having secured one freight to The United States.

It must be seen, on a moment's reflection, that these operations produce an injury to our Carrying Trade commensurate to the benefit which they yield to that of Great Britain. For it is evident, that in the instances here noticed, the voyages to The United States are merely incidental to others of greater importance; and yet the cargoes brought to this Country are precisely those which, under proper restrictions on our part, would be brought by our own Vessels, and by the other British Ships employed in a regular Trade between the 2 Countries. In fact, it is an evil growing out of the British Colonial System, highly prejudicial to the maritime interests of this Country. It is not even confined to the cases already noticed. British Ships have brought freights or cargoes to The United States, where they have taken in lumber and provisions, with which they have proceeded to Jamaica, and after landing their cargoes and finding freights scarce, they have gone in a few days to New Orleans for a load of cotton or tobacco, for an European Port; thus carrying 3 freights, 2 of which, at least, ought to have been carried by the Ships of our own Country. Now, the American Tonnage, proceeding from the Northern, and, in fact, from all the Atlantic States, is compelled to proceed to New Orleans in ballast, because it cannot land cargoes of lumber and provisions in the West Indies as the British do. The case is equally strong when applied to the Shipping belonging to the British Colonies in North America. Vessels come from New Brunswick with cargoes of plaister, fish, &c., which yield a good freight, and afford returns in provisions and lumber, which are carried to the West Indies, and their value brought to us again in rum, &c. In these operations, the American Shipping cannot participate, and the singularity of this case is aggravated by the consideration that it is in The United States only that a Market can

be found for the plaister. There is something so unnatural in this restriction as to plaister, that we should have supposed, that even the jealous policy of Great Britain would have revolted at it, and surely great reliance must have been had on our forbearance, when the experiment was hazarded. But one solid advantage is derived from the minuteness with which the British Colonial System is enforced. It developes the views and intentions of Great Britain in a manner too clear to be misunderstood, and shows, most forcibly, the necessity of an early and vigorous reaction on our part.

In the formation of the Treaty, it is to be presumed that the Parties, by relinquishing Tonnage Duties on the one side, and Bounties on the other, intended to leave open the Commerce of the 2 Countries to fair and open competition, and if one of the Parties thought proper to make exceptions as to the Trade of particular Ports or Places, it would not have been expected that those exceptions should in any way operate to the positive disadvantage of the other Party. Thus, if Great Britain had reserved to herself and to her Colonies in North America, the privilege of directly supplying her West India Settlements with provisions and lumber, however irrational and unnatural the scheme may have been, we have no right to complain. But when she avails herself of the exception of her Colonies from the operation of the Treaty, in order to destroy or diminish the apparent equivalent which we have or should have received in return for our concessions, it would be extreme folly to suppose that our Government would not take the necessary steps to remedy so serious an evil. The Treaty would otherwise prove nothing more or less than an act of self immolation.

But there is another feature in the Treaty, which, although it has excited but little observation, because its practical effects have not yet been felt, yet requires the immediate interference of the Legislature. British Ships may import into The United States, on equal terms with our own Ships, the productions and manufactures of the whole Globe; whereas we can carry to Great Britain, in our Vessels, only *certain* articles of our own produce, and these too in an unmanufactured state. The staples of the Eastern and Middle States are virtually excluded from British Ports, by Bounties granted in favor of her own and of her Colonial productions. British Ships may bring from the Baltic to The United States, the bulky articles of hemp, iron, cordage, and coarse linens; from Holland and Germany, a great variety of coarse goods; the wines and brandy, and even plaister of France; and also the wines and fruits of Spain and Portugal; as well as the salt of the latter Countries, the last and only resource of a great number of our Vessels returning from Europe; together with all the productions of the Countries bordering on the Mediterranean, and, in a word, as before observed, of the whole Universe. Thus it appears,

that the operation of the Treaty, in its present form, and without interruption by restrictive measures on our part, will soon place us in nearly the same relation, in which her Colonies stand to Great Britain, with the additional, and very convenient circumstance of our requiring no aid from her to support our establishment. We receive the produce and manufactures of Great Britain, of her Colonies, and of the whole Universe in her own Bottoms: we furnish the most precious raw materials to her manufactures, and to her Colonies lumber and provisions of a quality suited to the habits of her Colonists, such as can be procured with convenience in this Country only, and such as are always necessary to their convenience, and frequently to their very existence. We receive from their Colonies in North America all their productions, and more especially one that has no value except in our Country, and yet, being of a very bulky nature, requires and employs for its transport a very extensive tonnage. Thus we furnish a very extensive nursery for British Seamen, and an ample field for the employment of British Capital; and what is the return for all these advantages, and for all this complaisance on our part? Why, it is the privilege of carrying in our own Bottoms a part of our own productions to Great Britain, on the same terms that similar goods are carried from our Country in her Ships. And this is the same Nation, which but a short time ago threatened to drive our Flag from the Ocean; and from the Ocean she will drive it, without firing a gun, if we sleep at our posts.

We are to presume from the character of the Individuals who acted as our Commissioners in the formation of the Treaty, that they were fully aware of the consequences that might flow from the exclusion of the British Colonies from its operation, and they must have been sensible, that some moderate concessions would have been made by the British Government in regard to their Colonial Trade, or that the severity of its regulations would be met by a corresponding counter-action on our part. It appears, therefore, singular, that no mention has been made relative to the subject, in any of the Official Communications of the Government to Congress, nor in fact any notice taken of it, until a Motion was made by Mr. King, calling for some rigorous measures on our part to meet those already adopted by the British Government. From the sentiments expressed by some of the House, it may be inferred, that it is considered as a very delicate subject. It is certain that it is much to be regretted, that the conduct of Great Britain should render it a subject of necessary Legislation in our National Councils. But it must be observed, that the date of the British Tariff of duties on our produce carried to the West Indies is subsequent to that of the Treaty. We may, therefore, be considered at issue on the point of restriction, and we may as well commence our operations now, as at some future period, when the

minds of our People may be more irritated by the operations of the present system. There may be some difference of opinion as to the manner in which we ought to proceed in regard to the West India Trade; but this, I think, will soon disappear, when we look narrowly into the nature of the West India Settlements, and of the many local circumstances by which they are affected. Soon after the American Revolution, Great Britain excluded the Vessels of The United States from her West India Ports. She had determined to try the experiment of supplying them from her Colonies on this Continent. She, however, permitted her own Vessels to carry Supplies from The United States, and yet so inadequate were these supplies to meet the extraordinary demand occasioned by hurricanes, that according to the statements of Bryan Edwards, the Historian,—in the short period of 6 years,—no less than 15,000 human beings perished in her West India Colonies from hunger and bad provisions. But there is now no longer a deficiency of tonnage or capital for the ample supply of those Colonies, provided our Ports are open as they then were. There is, on the contrary, a redundancy both of Shipping and Capital, and nothing is wanted but a continuance of our complaisance, to insure the profitable employment of one and the other. The views of Great Britain have been developed by acts of an unequivocal character, and it now rests with us to show whether she has judged us correctly in calculating on our forbearance now, as she did on the former occasion. Then, if we are not arrested by any considerations in regard to her, we have only to settle the question as it respects the interests of our own Country. This subject may be brought before us in a very simple form—*Can Great Britain support her West India Colonies, in comfort, or even in safety, without Supplies from The United States?* I answer, with confidence, that she cannot,—and that, consequently, we are entitled to, and can obtain from her a reasonable participation in the carriage of the articles which we alone can furnish. If she monopolizes the carriage of her Plaister, may we not, as reasonably, monopolize the carriage of our supplies which are as useful to them as her Plaister is to us.

We have already shown in what manner she now supplies her Islands from The United States, and how much that mode of supply operates to our prejudice; and from the single fact of her taking supplies from us in any form or manner, it might fairly be inferred that she is unable to furnish them from her own resources. For can any one, knowing the uniform course of her policy towards us, doubt for a moment as to the motives of her conduct on this occasion? Would she permit the importation of a barrel of meal, or one stave from this Country, if she could furnish that barrel, or that stave, from her own Possessions? But we shall endeavour to supply proofs of a more positive character. Let us then suppose all communication to be in-

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terdicted between The United States and the British West India Islands, and that the latter are compelled to rely on their own resources, or those of the Mother Country and her Colonies on this Continent, for supplies of lumber and provisions.

It is well known that the West India Islands are unable to support themselves; otherwise the question as to supplying them, would never have been agitated. The single circumstance of their being liable to be occasionally visited by hurricanes is, of itself, sufficient evidence of their dependence on Foreign aid. They must then depend on supplies from the Mother Country and her Colonies in North America. Let us now see to what extent they may safely rely on the one and the other. England and Ireland can furnish salt provisions in abundance, and wheaten and rye flour. The latter are the only articles of dry provisions that can be furnished from Europe. Peas and beans have been tried frequently, but have been found a most unwholesome food for the Slaves. Rye flour is also a bad food, as it proves uniformly sour before its arrival, and makes at best but a weak and unwholesome food, in the manner in which it must be used by the Negroes, as they cannot submit it to the process of fermentation before it is used. The mode of preparing food adopted by the Negroes is, and necessarily must be, extremely simple, and must require but little time or fuel: a small earthen or iron pot composes the whole of a Negro's culinary apparatus, and into this pot every thing must go. During the late War, the experiment was fully made with rye flour, and it was universally condemned and abandoned as soon as Indian meal could be procured. Wheaten flour, although wholesome and nourishing, yet, requiring more preparation than Indian meal or rice, is found less agreeable than the latter articles, even when perfectly sweet; but it will be seen, that of necessity it must generally be delivered to the Negro in an unsound state, and of course must prove an unwholesome diet. Thus we see, that Great Britain can furnish but one article of dry provisions to her Islands, and even that one, of a doubtful character as to its effects on the health of the Negroes. Of her means for supplying lumber, I presume it is needless to say any thing, as she relies on Foreign Supplies for her own consumption. The Islands must then depend on Nova Scotia and Canada for all their lumber, and for such dry provisions as the Mother Country cannot supply. Nova Scotia can export no dry provisions, she, on the contrary imports for her own consumption. Fish, she can supply in great variety and abundance. White pine lumber abounds in the Bay of Fundy, but good lumber of other kinds is very scarce there. The only and last resource, therefore, is Canada. Here flour and lumber of some kinds may be procured; but there are so many untoward circumstances attending the mode of supply from Canada, that the object can only be attained in a very imperfect manner. Thus we see, that

the West Indies can be supplied with flour, fish, and a certain portion of lumber from Canada and Nova Scotia : and we will, for argument's sake, suppose that these supplies may be fully equal to the demands of the Islands. We will further suppose that the Planters, as well as the Slaves, are compelled to eat Canadian flour, and to use none but Canadian and Nova Scotia lumber, and fish: we will even go further, and suppose that a regular intercourse is established, and that the demands of the Colonies in the West Indies are ascertained, and the shipments duly proportioned to those demands. Are there then no contingencies which may occasionally diminish, if not wholly defeat the object of this arrangement? It is well known, that Vessels of burden can make but one voyage annually to Quebec, and that, consequently, the whole supply of dry provisions, consisting only of bread and flour for one year's consumption, must be deposited in the warm climate of the West Indies, between the months of June and September, and that during the remaining eight months of the year, the consumer must eat the flour of the preceding year's growth, under all its progressive, and I may add, rapid stages of deterioration, until the supplies of the ensuing year arrive. But this is not the only inconvenience attending this mode of supply; a much larger capital must be employed in the business, because the merchant in the West Indies, who supplies the Estates, must make his investments for the remainder of the year, during the 4 months in which the supplies are brought to market, and he will demand a price proportioned to the inconvenience sustained by his heavy advances, and to the danger of totally losing whatever stock he may have on hand when new provisions arrive. Thus the provisions which, under the most favorable circumstances would be dear, become much more so : but we will even suppose, that this inconvenience is obviated by a submission on the part of the Planter; we will then have placed the matter in the most favorable point of view that our Opponents could require.

It is well known that the Island of Jamaica has more internal resources than any of the other British Islands in the West Indies. She raises such large quantities of ground provisions, and has such extensive plantation walks, as they are called, that she does not import one-tenth part of the provisions consumed by her Black Population. The clearances from our Custom-houses will show, that she receives from us proportionably less Negro, and more fine provisions, than any other of the British Islands. I make this assertion on the additional authority of the best informed Merchants of this City; but the weight of my observations on this particular point, are but little affected by a supposition of the quantity of Negro provisions being greater or less than that here stated.

According to the Official Returns of the number of Negroes in that

Island, in the year 1787, the latest Official Record that I can find, there were

250,000 Negroes,

40,000 white and colored Persons,

290,000 being the whole Population of the Island.

We have already supposed that the whole of the White Population shall receive its dry provisions from Abroad, but that the Negroes and colored People shall receive only one-tenth of their provisions in the same manner. Let us then suppose, that under this order of things, the Island should be visited by one of those dreadful hurricanes by which it is so frequently ravaged, and which destroy all the fruits of the earth that are exposed to the violence of their action. The consequences of this awful visitation, cannot be contemplated without horror, and without deprecating the blind and inveterate policy that could subject such an extensive Population to all the miseries of famine, and consequent insurrections and massacres that would ensue. If it is imagined that I speak in terms of exaggeration, let me refer to the authentic History of Bryan Edwards. But enough can be proved without any such reference; for it must be remembered, that these scourges would only occur at those precise periods when the Islands can receive no immediate supplies from Canada, and that they are too remote from England to receive aid from that quarter. Hurricanes prevail almost exclusively in the months of September and October, during which latter month, the Navigation of St. Lawrence generally closes.

I have selected the Island of Jamaica for the particular object of my observations; because it is equal in value to all the other Islands, and because it has proportionably greater resources. The same observations will apply with still greater force to the other Insular Possessions of Great Britain in the West Indies.

When we take into consideration the amount of British Capital vested in the West Indies, estimated many years ago by Bryan Edwards, at the enormous sum of 70,000,000 sterling; of the value and extent of the British Shipping employed in the West India Trade, which, in 1787, was no less than 1,069 Vessels, or 155,009 tons; and also the amount of the Mercantile Capital actively and usefully employed in this Trade; can we for one moment suppose that Great Britain will put in jeopardy the whole, or any considerable part of these important Possessions, merely to preserve to herself, the comparatively small consideration of monopolizing the carriage of our lumber and provisions, in which we have a rational claim to participate? Such a supposition but ill accords with the wary and calculating spirit that governs her Commercial policy.

But let us admit, that, deaf to all the suggestions of reason and common prudence, she should persist in this course of interdiction, are there no other considerations opposed to its operation? Will she lay aside all regard to the comfort, to the established habits and to the interests of her Colonists, which are identified with her own? The charges incident to the cultivation of the favored Island of Jamaica, are already so high, that on an average the Estates of that Island scarcely pay the legal interest of the capitals vested in them; and it is well known, that her Possessions in the Antilles have, for many years, been considered rather as splendid than useful appendages to the Crown. Many of the Sugar Estates have lately been converted into pasture, from the inability of the Proprietors to support the heavy charges incident to the manufacture of sugar and rum, and from the decrease of Population. Our Embargo, and the late War, have contributed considerably to produce this effect.

The preceding observations are made under a presumption that Great Britain is at Peace with all the World. But if we represent her as engaged in a War with any of the Maritime Nations of Europe, her West India Colonies must be absolutely dependent on The United States for her supplies. For even if Great Britain and her North American Colonies could furnish the materials, the charges of carriage and insurance would render them insupportably dear.

Whilst writing these Notes, I received from a Friend, the Return of the Naval Officer of Jamaica, of the Imports and Exports of that Island for 1 year, viz: from the 30th September, 1803, to 30th September, 1804. Of some of the items of this Document, I may speak hereafter: at present I shall only observe, that it was made at a time when Great Britain was at War with France, and when she found it necessary, *as she always must do on similar occasions*, to suspend the operations of her Colonial System. From the part which we then performed in furnishing and carrying supplies to her Islands, it may easily be imagined what must be the situation of these Islands, when the Mother Country is at War with us. The Writer can state, on the authority of several respectable Residents in the Island St. Croix, that, from the commencement of our Embargo in 1807 to the conclusion of the late War, no less than 7,000 Slaves perished from hunger and bad provisions: the Island during that time, was in possession of the British. Its proximity to Porto Rico, gave it many advantages over the other British Islands.

It may, however, be justly observed, that the object is well worth the attention and even solicitude of Great Britain. By the Return, of which I have just spoken, and which will be found annexed to these Notes, it appears that the amount of the tonnage which entered Jamaica from America, in 1 year, was 69,525 tons; and we can form some estimate of the proportion of that tonnage which belonged to The United States, by the proportion of goods stated to have been

carried by American Vessels. I should be disposed to consider the proportion at least as 8 tons of American to 1 of British Shipping. But if the tonnage employed in carrying to Jamaica 69,525 tons be doubled, it will give a tolerably accurate view of the whole tonnage sent from America to the West Indies, in one year, viz. 139,050 tons. This tonnage divided, gives 1,390 Vessels of 100 tons, performing 1 voyage in a year, or 695 of the same burden, performing 2 voyages in a year; or 347 of 200 tons performing 2 voyages in a year. Now can it be reasonably expected, that as a Maritime Nation, we will permit Great Britain, to load by far the largest part of this tonnage in our Ports, with articles which she cannot supply, and which are absolutely necessary to her Colonies; without some equivalent? Are we to count for nothing the market which we afford for the consumption of her West India produce, and without which one most important item, viz. Rum, must lose one half its value?

The Writer closes his observations on this very important subject with a personal one relative to himself. He has lived many years in the West Indies, and has been intimately connected with their commerce for the last 35 years.

St. Jago de lu Vega, (Jamaica).

By a Return of the Naval Officer, laid before the House of Assembly, on Tuesday the 13th November, the following is a Summary of the Exports and Imports of this Island, from the 30th September, 1803, to 30th September, 1804;

Imports from The United States of America.

In American Vessels.

64,362 barrels of corn meal	2,743 boxes	} of fish.
and flour	267 quintals	
16,119 bags	11,741 barrels of beef	} of bread
6,223 barrels	17,038 barrels of pork	
3,895 kegs	5,247 firkins of butter	
3,063 tierces of rice.	65,435 bushels of corn	
2,275 hhds.	6,768,271 feet of lumber	
15,743 barrels	7,997,957 staves and heading	} of fish
444 kegs	12,733,207 shingles	

In British Vessels.

12,937 barrels of corn meal	100 kegs	} of fish.
and flour	565 boxes	
648 barrels	667 barrels of beef	} of bread
513 kegs	1,596 barrels of pork	
561 tierces of rice	49 firkins of butter	
261 hhds.	162 casks	} of fish
845 barrels	3,892 bushels of corn	

400,845 feet of lumber	93 casks of tobacco
411,902 staves and heading	1,467 barrels of naval stores
242,000 shingles	

From British America.

816 barrels of flour	191 barrels of pork
100 bags	80 firkins of butter
88 barrels	4,300 bushels of corn
109 kegs	719,971 feet of lumber
10 quintals	302,750 staves and heading
1,904 hhds.	139,750 shingles.
13,798 barrels	153 logs
321 kegs	60,000 feet of mahogany
368 boxes	154 casks of oil
362 barrels of bread	92 hhds. of beer

Exports.—Total from Kingston.

41,562 hhds.	873 bags	
3,940 tierces	1,024 casks	of ginger
144 barrels	5,645 bags	
12,003 puncheons	632 casks	of pimento
541 hhds.	16,313,386 pounds	of coffee
64 casks of molasses		

Total from the Out-Ports.

61,970 hhds.	} of sugar	365 casks of molasses
8,862 tierces		981 bags
717 barréls		70 casks
30,204 puncheons	} of rum	13,927 bags
372 hhds.		785 casks
		5,750,594 pounds of coffee
		of ginger
		of pimento

GRAND TOTAL.

103,352 hhds.	1,854 bags	of ginger
12,802 tierces	1,094 casks	
2,207 barrels	19,572 bags	of pimento
42,207 puncheons	1,417 casks	
913 hhds.	22,063,980 pounds	of coffee
429 casks of molasses		

Increase since last year.

In coffee only, 4,240,977 pounds.

Decrease :

About		93 casks of molasses
6,000 hlds. of sugar		2,644 bags of ginger
16,148 puncheons	} of rum	1,537 bags
560 hlds.		68 casks
		} of pimento

The Tonnage of Vessels trading to Jamaica, between 30th September, 1803, and 30th September, 1804, was,

From Great Britain and Ireland	93,433 tons.
America... ..	69,525
The Spanish Main	4,101
Traders under Free Port Act	14,826
Droggers.....	3,382

During the above period,

1,813 horses	}	have been imported; and
2,182 mules		
218 asses		
2,107 horned cattle		
54,507 barrels of herrings, from Great Britain and Ireland.		

Articles of Treaty proposed by The United States.

ART. 1. His Britannic Majesty consents to extend to The United States the Provisions of the Free Port Act, as established by the 45th Geo. III. chap. 57, (except as far as relates to Negro Slaves, which, under the Abolition Acts can no longer be lawfully exported from any British Possession to any Foreign Country,) that is to say; that any Sloop, Schooner, or other Vessel whatever, not having more than 1 deck, and being owned and navigated by Subjects of The United States, may import into any of the Free Ports in His Majesty's Possessions in the West Indies, from The United States, any of the articles enumerated in the above Act, being of the growth, or production, of The United States, and any coin, bullion, diamonds, and precious stones; and the said articles being of the growth or production of The United States, and also all other articles imported into the said Free Ports, by virtue of this Convention, from The United States, shall be subject in all respects to the same rules, regulations, and restrictions, and shall enjoy the same advantages as to re-exportation, as are now applied to similar articles, when imported by authority of the said Act, from any other Foreign Country, and re-exported from the said Possessions of His Majesty. His Britannic Majesty further consents, that any Vessel of The United States as above described, may export from any of the said Ports to The United States, rum of the produce of any British Colony or Possession; and also all manner of goods, wares, or merchandise, which shall have been legally imported into those Possessions of His Majesty, in which the said Free Ports are established, except masts, yards, or bowsprits, pitch, tar, and turpentine; and also, except such iron as shall have been brought from the British Colonies, or Plantations, in America.

And whereas, by an Act passed in the 48th year of His Majesty's reign, chap. 125, rice, grain, and flour are added to the articles previously allowed to be imported into the said Free Ports; it is agreed, that those articles may be imported from The United States into the said Free Ports, in Vessels of The United States as above described; and it is agreed, on the part of The United States, that any facilities granted in consequence of this Convention, to American Vessels, in His Majesty's said Colonies and Possessions, shall be reciprocally granted in the Ports of The United States, to British Vessels of a similar description, engaged in the intercourse so allowed to be carried on, and that, if at any future period, during the continuance of this Convention, His Britannic Majesty should think fit to grant any further facilities to Vessels of The United States, in the said Colonies and Possessions, British Vessels trading between the said Colonies and Possessions and The United States, shall enjoy in the Ports of the latter equal and reciprocal advantages. It is further agreed, that articles imported into the said Free Ports of The United States, by virtue of this Convention, shall pay the same Duties as are, or may be payable, upon similar Articles, when imported into the said Free Ports, from any other Foreign Country; and the same rule shall be observed on the part of The United States, in regard to all Duties chargeable upon all such articles as may, by virtue of this Convention, be exported from the said Free Ports to The United States.

But His Britannic Majesty reserves to himself the right to impose higher duties upon all articles so allowed to be imported into the said Free Ports, from The United States, or from any other Foreign Country, than are, or may be chargeable, upon all similar articles, when imported from any of His Majesty's Possessions.

II. His Britannic Majesty engages to allow the Vessels of The United States to import into the Island of Bermuda, the following articles, viz. tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading, boards and plank, timber, shingles and lumber of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley and grain of any sort; such commodities being the growth or production of the Territories belonging to the United States of America: and to export from the said Island to The United States, in Vessels of the said States, any goods or commodities whatever, which are now by Law allowed to be exported from His Majesty's Colonies and Possessions in the West Indies, to any Foreign Country or place in Europe; and also sugar, molasses, coffee, cocoa-nuts, ginger, and pimento: and also all goods, the growth, produce, or manufacture, of the United Kingdom of Great Britain and Ireland; upon the same terms, and subject to the same duties only, as would affect similar articles, when imported from The United States into Bermuda, or exported from Bermuda to The United States, in British Ships. And it is agreed, on the part of The United States, that a similar

equality shall prevail in the Ports of the said States, with regard to all British Vessels trading in similar articles, between The United States and the Island of Bermuda.

III. It is agreed, that Vessels of The United States may resort to Turk's Island, for the purpose of taking in Cargoes of salt, for The United States; and that the Vessels so resorting to the said Island, shall be allowed to import tobacco, cotton, and wool, the produce of the said United States, upon the same terms, and subject to the same duties, as British Ships, when engaged in a similar intercourse. It is agreed on the part of The United States, that a similar equality shall prevail in the Ports of the said States with regard to all British Vessels trading in the same articles between The United States and the said Turk's Island.

IV. It is agreed, that the navigation of all lakes, rivers, and water communications, the middle of which is, or may be the Boundary between His Britannic Majesty's Territories on the Continent of North America, and The United States, shall, with the exception hereinafter mentioned, at all times be free to His Majesty's Vessels, and those of the Citizens of The United States. The Inhabitants of His Britannic Majesty's Territories in North America, and the Citizens and Subjects of The United States, may freely carry on Trade and Commerce by land, or inland navigation, as aforesaid, in goods and merchandise, the growth, produce, or manufacture of the British Territories in Europe, or elsewhere, or of The United States, respectively, within the Territories of the 2 Parties respectively, on the said Continent, (the Countries within the limits of the Hudson's Bay Company only excepted) and no other or higher duties or tolls, or rates of carriage, or portage, than which are, or shall be, payable by Natives respectively, shall be taken or demanded on either side. All goods, or merchandise, whose importation into The United States shall not be wholly prohibited, may freely, for the purposes of commerce abovementioned, be carried into The said United States, in the manner aforesaid, by His Britannic Majesty's Subjects; and such goods, or merchandise, shall be subject to no other, or higher duties, than would be payable by Citizens of The United States, on the importation of the same in American Vessels into the Atlantic Ports of The United States; and in like manner, all goods and merchandise, the growth, produce, or manufacture of The United States, whose importation into His Majesty's said Territories in America, shall not be entirely prohibited, may freely, for the purposes of the commerce abovementioned, be carried into the same, by land, or by means of such lakes, rivers and water communications as abovementioned, by the Citizens of The United States; and such goods and merchandise shall be subject to no other or higher duties, than would be payable by His Majesty's Subjects on the importation of the same from Europe into the said Territories.

No duties shall be levied by either party on peltries, or furs,

which may be brought in the manner aforesaid by land, or inland navigation, from the said Territories of 1 party into the said Territories of another; but tolls, or rates of ferriage, may be demanded and taken in manner abovementioned, on such peltries or furs. It is further agreed, that nothing in this Article contained, as to the navigation of rivers, lakes, or water communication, shall extend to give a right of navigation, upon, or within the same, in those parts where the middle is not the Boundary, between His Britannic Majesty's Territories and The United States of America.

MESSAGE from the President of The United States to Congress, communicating information relative to the renewal and extension of the Commercial Treaty between The United States and the Government of The Netherlands.—
19th March, 1818.

To the Senate and House of Representatives of The United States.

IN the course of the last summer a Negotiation was commenced with the Government of The Netherlands, with a view to the revisal and modification of the Commercial Treaty existing between the 2 Countries, adapted to their present circumstances.

The Report from the Secretary of State, which I now lay before Congress, will show the obstacles which arose in the progress of the Conferences between the respective Plenipotentiaries, and which resulted in the agreement between them to refer the subject to the consideration of their respective Governments. As the difficulties appear to be of a nature which may, perhaps, for the present, be more easily removed by reciprocal Legislative Regulations, formed in the spirit of amity and conciliation, than by Conventional Stipulations, Congress may think it advisable to leave the subsisting Treaty in its present state, and to meet the liberal exemption from discriminating tonnage duties, which has been conceded in the Netherlands to the Vessels of The United States, by a similar exemption to the Vessels of The Netherlands, which have arrived or may hereafter arrive in our Ports; commencing from the time when the exemption was granted to the Vessels of The United States.

I would further recommend to the consideration of Congress, the expediency of extending the benefit of the same Regulation, to commence from the passage of the Law, to the Vessels of Prussia, Hamburg, and Bremen; and of making it prospectively general in favor of every Nation in whose Ports the Vessels of The United States are admitted on the same footing as their own.

19th March, 1818.

JAMES MONROE.

Department of State, 17th March, 1818.

THE Secretary of State has the honor of submitting to the consideration of the President, the Correspondence herewith enclosed, between the Envoys Extraordinary of The United States at the Court of The Netherlands, and the Plenipotentiaries appointed by that Government, for the purpose of renewing and extending the Commercial Treaty already existing between the 2 Countries. The failure of this Negotiation is to be attributed principally to two obstacles which arose in the progress of the discussions between the respective Plenipotentiaries; one proceeding from an essential principle in the commercial regulations of this Country, and the other from a principle of like character in the Kingdom of The Netherlands.

The Law of 3rd March, 1815, authorizing a partial repeal of the discriminating duties which operate against Foreign Shipping, and the merchandise imported in them, required, as a condition of that repeal, the abolition of *all* discriminating or countervailing duties, of any Foreign Nation to whose advantage it should enure, so far as they operate to the disadvantage of The United States: and, on this condition, the Acts of The United States, imposing discriminating duties, were declared to be repealed, only so far as respects the produce or manufacture of the Nation to which the Foreign Ship or Vessel might belong. The Law, therefore, required a total abolition of discriminating or countervailing duties in the Foreign Nation, operating against The United States; and offered only a partial repeal of our discriminating duties which operated against them in return. From an imperfect view of the provisions of this Act, which can be fully understood only by collating it with the general system and the particular provisions of the Acts imposing discriminating duties, part of which only it proposed to repeal, the Government of The Netherlands, and others, appear to have understood it as offering a *total* repeal of all discriminating duties, as well of tonnage as upon merchandise of every description, without distinction of origin. The power of the President was, however, restricted by the terms of the Law. The Laws of the Netherlands imposed discriminating duties of *tonnage*, and on merchandise imported in Foreign Vessels; but without any distinction with regard to the origin of the merchandise. When, therefore, they revoked their discriminating duties so far as respected The United States, they considered themselves, by the Act of Congress of 3rd March, 1815, entitled to a total repeal of the discriminating duties in The United States, operating against them, not only the tonnage duties, but those upon merchandise, whether of the produce or manufacture of The Netherlands or of any other Country. This was, however, not warranted by the Act of 3rd March, 1815; nor could it be stipulated by Treaty, without involving consequences affecting the Commercial relations between The United States and other Coun-

tries. The revocation of the discriminating duties upon merchandise imported in Vessels of The Netherlands would be of little avail, if limited to articles the produce or manufacture of that Country, the principal part of whose exportations consist of the produce or manufactures of others. But, on the other hand, if that distinction in our Navigation and Revenue Laws should be broken down with respect to one Nation, it could be with difficulty, if at all, maintained, with regard to any other.

The other difficulty which occurred in the Negotiation, related to the admission of Vessels of The United States into the Colonies of The Netherlands, if not upon the same footing as into the Ports of The Netherlands in Europe, at least upon that of the most favored Nation. To this it was objected by the Plenipotentiaries of The Netherlands, that certain favors were granted by them to other Nations, themselves possessing Colonies, for the equivalent of similar favors conceded in return, which could not be conceded to a Nation possessing no Colonies, and, therefore, not enabled to concede the equivalent. The same objection having been made by the British Government, to the admission of Vessels of The United States into their Colonies, it appears to deserve attention, how far the principle itself is justifiable, and how far The United States ought to acquiesce in it. There are various grounds upon which it appears objectionable. 1. Because all the other Maritime States possessing Colonies more or less significant, a classification, however general in terms, which applies by way of exclusion, to The United States alone, is manifestly a measure savoring of hostility to them, as much as if it was applied to them by name. 2. Because The United States, not only by the constant and unparalleled rapid increase of their own Population, but by the great enlargement of their Territory, and the admission of New States, producing almost all the articles of European Colonies in this Hemisphere, afford to all the Commercial Nations of Europe, an equivalent similar in principle, and infinitely more valuable, than the mere admission to 2 or 3 small Islands of the West Indies, which is all that some of the European States can grant for access to the Colonies of the others. 3. The United States have a just claim to a Free Trade with most of the Colonies of the West India Islands, founded in the occasional indispensable necessities of the latter. If The United States should exercise their unquestionable right of meeting prohibition with prohibition, the very existence of these Islands would be in jeopardy, whenever they should be visited by those hurricanes which so frequently happen among them. It would be ungenerous, and scarcely reconcilable to the principles of humanity, should The United States avail themselves of those calamitous occurrences to stop on their part, the intercourse which at all other times is interdicted to them. By the laws of nature, no society can be justifiable in adopting measures towards another State, which may compel the latter to retaliate in self

defence, by measures incompatible with humanity; yet such is the character of the intercourse permitted by several of the European Nations, between their Colonies in the West Indies and The United States. Thus we have seen, within the last half year, the exclusion of our Vessels from the Ports of several West India Islands, and their re-admission announced almost in the same Gazettes. That re-admission, however, is limited to the time indispensable for saving the Colony from famine and utter desolation. There is something so glaringly unequal and selfish in these alternatives of arbitrary interdiction and of compulsory intercourse, that it is believed the Nations of Europe possessing Colonies, cannot fail of being ultimately made sensible of it; and of consenting to establish an intercourse upon principles more permanent, and more favorably marked with reciprocity.

In the mean time, as the Government of The Netherlands have placed the Vessels of The United States, arriving in their Ports, in regard to tonnage duties, on the same footing with their own, it is believed to be consistent with sound policy to extend the same principle to the Vessels of The Netherlands, arriving in the Ports of The United States. The same liberality may be extended to the Vessels of Prussia, Hamburgh, and Bremen, who, by virtue of the like regulations in their respective Ports, have claimed the benefit of the proffer made in the Law of 3rd of March 1815. As an Act of Congress is necessary for the purpose, perhaps the most expedient course would be to make it general; and, limiting its operation to the tonnage duties or charges upon Vessels, to declare, that no other or higher duties of that description, than are paid by Vessels of The United States, shall be paid in the Ports of The United States, by the Vessels of any European Nation, in whose Ports no other or higher duties of the same kind are paid by Vessels of The United States, than by the Vessels of such European Nation itself. The measure in respect to The Netherlands, is of immediate urgency; the regulation in favor of the Vessels of The United States there, having already been more than a year in force, in the confidence that the corresponding measure on the part of The United States would have been adopted of course, by virtue of the Act of 3rd March, 1815.

JOHN QUINCY ADAMS.

ACT of Congress of The United States, for the repeal of Discriminating Duties, in favour of the Vessels and Goods of The Netherlands, in American Ports.—20th April, 1818.

SECT. I.—*Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled, that so much of the several Acts imposing duties on the tonnage of Vessels in the Ports of The United States, as imposes a discriminating duty between*

Foreign Vessels and Vessels of The United States, is hereby repealed, so far as respects Vessels truly and wholly belonging to the Subjects of the King of The Netherlands; such Repeal to take effect from the time the Government aforesaid abolished the discriminating duties between her own Vessels and the Vessels of The United States arriving in the Ports or Places aforesaid.

11. *And be it further enacted*, that so much of the several Acts imposing duties on goods, wares, and merchandise, imported into The United States, as imposes a discriminating duty between goods imported into The United States in Foreign Vessels and in Vessels of The United States, be, and the same is hereby, repealed, so far as the same respects the produce or manufactures of the Territories, in Europe, of the King of The Netherlands, or such produce and manufactures as can only be, or most usually are, first shipped from a Port or Place in the Kingdom aforesaid, the same being imported in Vessels truly and wholly belonging to Subjects of the King of The Netherlands; such Repeal to take effect from the time the Government aforesaid abolished its discriminating duties between goods, wares, and merchandise, imported in Vessels of The United States and Vessels belonging to the Nation aforesaid.

[*Approved, 20th April, 1818.*]

ACT of Congress of The United States, "to authorise the Secretary of the Treasury to repay or remit certain Alien Duties therein described," which have been levied upon British Vessels and Merchandize.—20th April, 1818.

SECT. 1.—*Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled*, that the Secretary of the Treasury be, and he is hereby, directed to cause to be repaid or remitted all alien or discriminating duties, either upon, tonnage or merchandise imported, in respect to all British Vessels which have been entered in Ports of The United States, at any time between the 3rd day of July, inclusive, and the 18th day of August, 1815, which have been paid, or secured to be paid, contrary to the provisions of the Convention regulating Commerce between the Territories of The United States and of His Britannic Majesty, bearing date the 3rd day of July, 1815:* *Provided*, that this Act shall not take effect until a similar provision shall be made by the Government of Great Britain, in favor of American Vessels, in regard to duties on tonnage and merchandise entered in the British European Ports during the same period.

[*Approved, 20th April, 1818.*]

* See Commercial Treaties, Vol. 2, Page 391.

BRITISH ORDER IN COUNCIL, prohibiting the Exportation of Gunpowder, Arms, &c. to the Coast of Africa, the West Indies, or certain Parts of America.—31st October, 1818.

At the Court at Carlton-House, the 31st of October, 1818;

PRESENT,

**HIS ROYAL HIGHNESS THE PRINCE REGENT
IN COUNCIL.**

WHEREAS the time limited by the Order of His Royal Highness the Prince Regent in Council, of the 13th of May last, for prohibiting the exportation of Gunpowder, Arms, or Ammunition, to the places therein specified, will expire on the 30th day of November next; and whereas it is expedient, that the said prohibition should be continued for some time longer; His Royal Highness, the Prince Regent, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, doth, therefore, hereby order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance for His Majesty's service) do, at any time during the space of 6 months (to commence from the 30th of November next), presume to transport any Gunpowder or Salt-petre, or any sort of Arms or Ammunition, to any Port or Place on the Coast of Africa, or in the West Indies, or on any Part of the Continent of America (except to a Port or Place, or Ports or Places in His Majesty's Territories or Possessions on the Continent of North America, or in the Territories of the United States of America), or ship or lade any Gunpowder or Salt-petre, or any sort of Arms or Ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places on the Coast of Africa, or in the West Indies, or on the Continent of America (except as above excepted), without leave or permission in that behalf first obtained from His Majesty, or His Privy Council, upon pain of incurring and suffering the respective forfeitures and penalties inflicted by an Act, passed in the 29th year of His late Majesty's reign, intituled "An Act to empower His Majesty to prohibit the exportation of Salt-petre, and to enforce the Law for empowering His Majesty to prohibit the exportation of Gunpowder, or any sort of Arms or Ammunition, and also to empower His Majesty to restrain the carrying Coastwise of Saltpetre, Gunpowder, or any sort of Arms or Ammunition;" and also by an Act passed in the 33rd year of His Majesty's reign, cap.2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Saltpetre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council."

And the Right Honourable the Lords Commissioners of His Ma-

jeesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General, and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

*LOI de France, qui prononce des Peines contre les Individus qui se livreraient à la Traite des Noirs.—Paris, le 15 Avril, 1818.**

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre; à tous présens et à venir, salut :

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

ART. I. Toute part quelconque qui serait prise par des Sujets et des Navires Français, en quelque lieu, sous quelque condition et prétexte que ce soit, et par des Individus Etrangers dans les Pays soumis à la domination Française, au trafic connu sous le nom de la Traite des Noirs, sera puni par la confiscation du Navire et de la Cargaison, et par l'interdiction du Capitaine, s'il est Français.

II. Ces affaires seront instruites devant les Tribunaux qui connaissent des contraventions en matière de Douanes, et jugées par eux.

La présente Loi, discutée, délibérée, et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres, et Pays de notre obéissance.

Si donnons en mandement, à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les Présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer partout où besoin sera : car tel est notre plaisir : et afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre scel.

Donné à Paris, le 15 Avril, de l'an de Grâce, 1818, et de notre Règne le 23ème.

Par le Roi,

LOUIS.

*Le Pair de France, Ministre Secrétaire d'Etat
au Département de la Marine et des Colonies, COMTE MOLE.*

* Repealed by the Law of 25th April, 1827.

MESSAGE from the President of The United States to Congress, transmitting Copies of the Reports in relation to the Surveys and Examinations on the Coasts, made by Naval Officers in co-operation with Officers of the Corps of Engineers.—6th February, 1818.

In Senate of The United States, 13th February, 1817.

RESOLVED, That the President of The United States be requested to cause to be examined and surveyed, the Eastern entrance into Long Island Sound, the Harbor of Newport and Hampton Roads, and York River, by Commissioners; and that the said Commissioners report their opinions as to the practicability of defending the said Sound, Harbor, River, and Roads, by Fortifications; and if defensible, or any of them, what would be the probable expense thereof.

That he be requested also, to cause to be examined, the Coasts and Waters of The United States, North of the Delaware, with a view to the selection of a proper Site for a Naval Depot, Rendezvous and Dock-yard: and it is further requested, that the said Reports, opinions and estimates, be laid before the Senate in the first week of the next Session of Congress.

Attest, **CHARLES CUTTS, Secretary.**

To the Senate of The United States.

Washington, 6th February, 1818.

IN compliance with a Resolution of the Senate of the 13th of February, 1817, I now transmit Copies of the Reports, in relation to the surveys and examinations made by Naval Officers in co-operation with Officers of the Corps of Engineers.

JAMES MONROE.

The Secretary of the Navy to the President.

SIR, *Navy Department, 4th February, 1818.*

I HAVE the honor to transmit to you herewith, Copies of the Reports in relation to the Surveys and Examinations which have been made by Naval Officers, in co-operation with Officers of the Corps of Engineers, in pursuance of the Resolution of the Senate of The United States, passed on the 13th day of February, 1817.

Enclosed is a list of the Charts, &c., which accompany this Communication.

I have the honor to be, &c.

B. W. CROWNINSHIELD.

The President of The United States.

LIST OF CHARTS.

Rhode Island and Narraganset Bay.

Newport and Gardner's Bay.

Boston Harbor.

Eastern Entrance of Long Island Sound.

General Map from Haerlem to Sandy Hook, exhibiting the Line of Defence.

Falmouth Harbor.

Portsmouth, New Hampshire, Harbor.

Sandy Hook.

Penobscot River and Bay.

Boston Harbor, including Salem and Marblehead.

REPORTS on the practicability of defending the Eastern Entrance of Long Island Sound, and an Examination of the Coasts and Waters North of the Delaware, with a view to the selection of a proper Site for a Naval Depot, Rendezvous, and Dock-yard.

(1.) *Report of Commodore Bainbridge.*

SIR,

Boston, 18th October, 1817.

IN pursuance of your Orders of the 23d of May, and the detailed Instructions from the Commissions of the Navy Board, dated the 29th May, addressed to myself, Captains Evans and Perry, who were appointed Commissioners by the President of The United States, to carry into effect the Resolution of the Senate for the purpose of ascertaining the practicability of defending the Eastern Entrance of Long Island Sound, and also of examining the Coasts and Waters North of the Delaware, with a view to the selection of a proper Site for a Naval Depot, Rendezvous, and Dock-yard; the Commissioners, accompanied by General Swift and Colonel M'Ree, of the Corps of Engineers, appointed to co-operate with them, did proceed to examine accordingly.

On the subjects of the points of defence, there has been an unanimous opinion, and Report will be made thereon, to the Navy and War Departments, to which I beg leave to refer you. It would have been gratifying to me, as I doubt not it would to the other Members of the Commission, if an unanimous opinion had also been formed for selecting the proper Site for a Naval Depot; but as there has been a difference of sentiment, it becomes my duty as a Member of that Commission, to state my opinion on the subject, founded on the observations and examinations made by the Commissioners, and which will appear in detail. In doing so, I shall mention the different Harbors included in the Instructions of the Navy Board, in the order of arrangement followed in the examination.

I beg leave, however, before entering into an examination of the

subject, to state the requisites, which, in my opinion, are necessary for the establishment of a Naval Depot, Rendezvous, and Dock-yard.

1. A sufficient depth of water for ingress and egress at all times of tide, and accessibility in all seasons of the year for Ships of the largest class.

2. A safe and secure Harbor from wind, tide, and ice.

3. Means of protection by a numerous and condensed Population; susceptibility of defence by its natural situation, and without extensive Fortifications.

4. A situation free or difficult of Blockade.

5. A Population to furnish the requisite number of mechanics at the lowest price, and to the best advantage; where *few* or *many* may at all times be commanded without paying, an *indirect tax*, to induce them to locate themselves at or near an Establishment for a special urpose, and for a limited time.

6. The vicinity of a large and commercial Town, where skilful Artizans are established to furnish the various parts of the mechanism of a Ship; the greater proportion of which can generally be obtained on better terms for the public interest at private manufactories than can be supplied within a Naval Establishment.

7. A favorable situation for obtaining, in Peace or War, a supply of Ship-timber, and timber suitable for masts and spars.

8. The advantageous situation of the place selected for the construction of Dry-docks.

9. And, generally, a location most favorable for obtaining all supplies connected with a Navy or Naval Establishment, particularly provisions and Seamen.

In the execution of the duties prescribed to the Commissioners, the Place which first received examination was Portland, in the District of Maine.

Portland has a good Harbor, and is easy of access. A good site might be found for a Dock-yard, and a sufficient depth of water at all times of tide; but it would require the erection of very considerable Fortifications for its protection. In the event of a War, I should recommend a small Naval Depot or Deposite of Naval Stores, for the accommodation of such Vessels of our Navy as might find it convenient to stop here; but I should not think it advisable to make an extensive Establishment.

Portsmouth, situated on Piscataway River, has an outer Harbor easy of access at all seasons of the year, with a sufficient depth of water at all times of tide. This outer Harbor is above the Fortifications, and consequently protected by them; but owing to a very rapid tide in the narrows above the outer Harbor, a large Vessel cannot get to the Navy-yard or inner Harbor, except with a fair wind, and, for the same reason, but few Vessels can be safely moored there. The Island on

which the Navy-yard is located, is commodious for building Ships, has bold water, good timber docks for docking timber, and excellent building ways for a Ship of the Line. Dry docks might also easily be constructed: the Island is exposed to a commanding height on Severs' Island, where the remains of an old Fort are yet seen; the possession of this height is, in my opinion, important to the safety of the Navy-yard and Harbor. I should recommend this Navy-yard in its present situation, as a good building-yard; but on account of the rapidity of the tide, I am decidedly of opinion that it is an unfavorable situation for the establishment of a general Rendezvous.

Salem. This has a Harbor accessible to Ships of War into safe anchorage, as the Frigate *Constitution* found in the late War, when pursued by a superior Force, and merits the attention of Government to some additional works of defence.

Boston. This Port possesses, in an eminent degree, all the great advantages necessary for a Naval Establishment.

It has a sufficient depth of water at all times of tide, and is accessible at all seasons of the year.

It has a safe, commodious, and secure Harbor, from wind, tide, and ice; and its accessibility is proven by the Records of the Custom House, a Copy of which is hereto annexed, showing the numerous arrivals and departures in every winter month in the year.

It has great means of protection in the numerous and dense Population in its immediate vicinity, the strength of its natural situation, and by its Fortifications. The requisite measures for the defence of the Town of Boston, will always give protection to a Naval Establishment situated within its Waters, and from its naturally strong situation, it may be made defensible against a Naval Force with small expense. There cannot probably be brought to the defence of any Place in The United States, within the same time, so numerous and well organized a Militia as can be brought to the defence of Boston.

For accurate information on this point, I refer to the Report of the Adjutant-General of the State of Massachusetts, a Copy of which is annexed.

It is a situation difficult of Blockade.—This fact is shown by the events of the late War, during which the Frigates of our Navy entered and departed from this Port twice as often as from all the other Harbors of The United States together. The list herewith accompanying, shows the number of times our Ships of War entered and departed from the Port of Boston during the late War.

It has a numerous body of Mechanics, and the price of labor is low. Its advantages on this point can be proven by the Records of the Navy Department, particularly the low price of mechanical labor.

It is a large and Commercial Town, abounding in Artisans well

skilled in all the varieties of arts necessary for the building and equipping of large Ships.

It is favorably situated for obtaining Timber for Ship-building, and for masts and spars. The Country near Boston has the best of white oak timber, which is brought in large quantities; and the Middlesex Canal, communicating with the Merrimack River, and through that River to the State of New Hampshire, opens an ample source for the supply of timber for years to come. Continuations of this Canal, connecting it with other water-carriage, are in contemplation, which promise to supply all the timber that may be required, and of an excellent quality.

The advantageous situation of Boston for the supply of timber, to build, repair, and mast and spar Ships of every size, was fully demonstrated during the late War, in the building of a 74 and a 24 gun Ship, in repairing several Frigates, and several Sloops of War, the materials of which were all drawn from Boston and its vicinity, and through the Middlesex Canal, and which it would have been very difficult, if not impracticable, to have procured by the way of the Ocean, in consequence of the superior Marine Force of the Enemy on the Coast.

It is favorably situated for the construction of Dry-docks, though it may be conceded that they can be built at Portsmouth or Fall River for a less sum than at Boston. As the difference, however, in this expenditure is merely the difference in the first cost of the Docks, it cannot be brought in comparison with the saving, which, from the possession of other and superior advantages, would be realized in a few years, in the daily and continued expenditures which attend such Establishments. And as Docks can be as well constructed at Boston as at either of the other Places, the difference of the expense in the construction ought not, in my opinion, to be entitled to any importance in the selection of a Place suitable for a Dock-yard, Deposit and Rendezvous. If it were, however, a circumstance deserving consideration, when put in opposition to other advantages already mentioned, it must lose its weight when compared with the situation of Fall River, or any other Place requiring extensive Fortifications, and the support of large Military Establishments, for the sole purpose of protecting a Naval Depot; as also the necessity of paying the Mechanics who may be employed, higher wages, to induce them to locate at a new Establishment, out of the vicinity of a populous Town, and where also, there is a deficiency of timber and other materials for Ship-building, and of provisions and all kind of stores.

The facility of obtaining Provisions and Seamen.—In these advantages, Boston, in my opinion, stands unrivalled. The provisions put up at this place are of the very first quality, and Seamen can generally

be obtained more readily than at most other Ports. All those articles also, which are generally required for Ships of War, and naval purposes, can be procured here in as sufficient quantity and on as good terms as at any other Place. The advantages it possesses on this head, it is believed, will be fully corroborated by the numerous contracts which have been made at this Place by the Navy Department for the supply of the Navy.

Providence River has barely a sufficient depth of water for large Ships, and the channel below Gasby Point, which is the best situation on the river for a Naval Depot, is too narrow for a Ship to turn to windward; consequently, long delays might arise in getting to sea from the Establishment, which, if located at this place, would require extensive Fortifications for its protection, in addition to those which would be necessary for the defence of Newport Harbor.

Fall River is favorably situated for the construction of Dry-docks, and this, in my opinion, is the only advantage it possesses for a Naval Depot. There is in its vicinity some timber for Ship-building, but not in large quantities, and from the best information I could procure, it would soon be exhausted. In approaching it in Ships there is a shoal of three-quarters of a mile in extent, which must be passed, and which has only 17 feet at low water; the tide rising here only 5 feet, does not produce a sufficient depth, even at high water, for Ships of the Line to pass when prepared for sea. A Naval Establishment at this Place would require for its special protection extensive Fortifications and a large military Garrison, and to enable Ships to get to sea, the channels on the east and west side of Conanicut Island, must, in a state of War, be at all times commanded.

To protect the outlet to the Ocean from Fall River, which is the Harbor of Newport, it is the opinion of the Commissioners and the Officers of the Corps of Engineers, co-operating with them, that, in addition to those already erected, the following mentioned Fortifications, together with the filling up of the western channel of Conanicut would be required, that is to say—

A Fort on Dutch Island.

A Fort on Conanicut Island.

A Fort and entrenchment extending from Bevertail Cove to the Dumplins.

To occupy the Dumplins.

Fortifications on Brenton's Point and Telegraph Hills.

Fortifications on Tammany Hill and on Hunneman's, overlooking Eaton's Beach.

A Fort on Coaster's Harbor Island, and a strong Fortification on Rose Island.

A Fort on Balt's Hill ; and
Tiverton Heights to be occupied.

For a more minute detail of the requisite Fortifications, a reference is made to the Report of the Commissioners appointed to examine the practicability of defending Newport Harbor. From this Statement, it is obvious, that Fortifications of such extent would require a very large military Force to defend them; and which, in a state of War, must be constantly kept up, as it would be impracticable to man, on an emergency, such extensive works from the surrounding Population.

The vicinity of Fall River, to the waters of Seaconnet Passage and of Buzzards, render it accessible to an Enemy, who may approach by water within 7 to 10 miles, and who could march through the Country, if not a very dense Population, to Fall River. It may, therefore, be asserted, that it will not only be necessary to completely defend the Island of Rhode Island, but also to erect Fortifications, and maintain a Force at Fall River, sufficient to defend it against any attack that might be made by land.

The magnitude of the Fortifications and military Force necessary for this purpose, is in itself an objection sufficient, in my opinion, to render the location of a Naval Depot at this place highly inexpedient.

Newport has already been mentioned in relation to the Fortifications necessary to protect it; it has a good Harbor, is accessible at all times of tide, and in all seasons of the year. It is worthy the attention of Government, as a Port favorable for the Ships of our Navy occasionally to enter. From my examination of the Waters of Rhode Island, I am decidedly of opinion, that the most favorable situation for a Naval Depot *within those waters*, is between Bristol Ferry and Mount Hope Bay, marked M, on the Chart made from Captain Evans's Survey in 1815. But I do not think that situation equal to several others in The United States.

New London.—This has an excellent Harbor, accessible at all seasons of the year, at all times of tide, and unobstructed by ice. It is, in many respects, well calculated for a Naval Depot, having a very good situation at Comstock Point, on the river Thames. But the ease with which it may be blockaded, as was proven in the late War, should be an insuperable objection to its being selected for such an Establishment as is contemplated by the Resolution of the Senate of The United States.

New York.—This Port, possessing many of the great advantages necessary for a large Naval Establishment, has a bar at the southern entrance of its Harbor, on which there is but 22 feet 6 inches at low water, which will not admit Ships of War of the large class, to pass at that time of tide. In Winter the Harbor is obstructed with drifting ice. It possesses the advantages of great Population and excellent Artisans,

which gives security in a state of War, and great facility at all times in building and equipping a Navy. It has 2 outlets to the Ocean, consequently would require a double blockading Force to keep Vessels within its Port. Frog's Point, 14 miles above the City, is an excellent Harbor, but requires Fortifications. This point, and the opposite point on Long Island, are most favorably situated for the defence of the outer Harbor, to the Port of New York, through the Sound. It is the key of the Sound, and, in my opinion, ought to be immediately fortified.

New York is so important a place for a Naval Establishment, that, although I do not consider it has all the advantages Boston possesses, particularly as it is not accessible at all times of tide, and as Vessels lying in the Harbor in Winter are exposed to danger from the floating ice, I am firmly of opinion, under every view of the subject, that next to Boston it is the most suitable place for such an Establishment, and one worthy the attention of Government as a Naval Depot.

Having thus detailed the advantages of the several Places had under examination by the Commissioners appointed for that purpose, and considering that a Place suitable for the location of an Establishment, such as is contemplated by the Resolution of the Senate, should possess, if possible, the advantages recited in this Report, I feel bound to express my perfect conviction, that Boston is the most eligible situation, in every respect, for the establishment of a Naval Depot, Rendezvous, and Dock-yard. I will add one other consideration, which, though it may not appear to some as important, is, in my opinion, deserving of attention. The Establishment is of a nature that should be permanent; and looking forward to the time when the Navy of this Country may be expected, not only to prevent a Blockade of our Coast, but even to extend its operations on the Coast of America to the North-east of The United States, the situation of Boston as a Naval Rendezvous, in such an event, would have a most important advantage over Fall River in its accessibility, by avoiding the Shoal of Nantucket, the most dangerous shoal on our Coast.

Although, Sir, it may appear irrelevant in this Report to offer a further opinion, I will, nevertheless, venture to give it, trusting in the purity of my motives for so doing, and in the liberality of the Government to receive opinions when respectfully submitted.

So extensive a Coast as that of The United States requires at least 3 considerable Naval Arsenals.

Geographical situation appears to me to mark decidedly Boston, New York and Norfolk, as the proper sites: Boston for the eastern section of the Country; New York for the middle, and Norfolk for the southern. All these 3 possess the great advantages of a numerous Population for the security of the Establishments, susceptibility of

defence, and the sufficient and cheap supply of materials and Mechanics for the building, repairing and equipping of Ships.

I have the honor to be, &c.

The Hon. Benjamin Crowninshield,
Secretary of the Navy.

WM. BAINBRIDGE.

(2.) *Observations of Commodore Bainbridge.*

Boston, 13th September, 1817.

THE Undersigned, appointed by the President of The United States, in conjunction with General Swift of the Corps of Engineers, to examine Castine, in the Penobscot Bay, and the Waters adjoining, with a view to ascertain its importance as a Military Position, and the practicability of fortifying it, having attended that duty, has the honor to submit the following observations and reflections:

The Penobscot is a spacious Bay, containing many excellent Harbors, the borders of which, and the Islands within it, are in a state of improved cultivation and possess considerable Population. Castine is situated on a Promontory, nearly at the head of the eastern side of the Bay. It has an excellent Harbor for any number of Ships of the largest size, has bold water, and is accessible at all seasons of the year. The Promontory is connected with the Main by a narrow Isthmus.

Proceeding up the River from Castine to Buckstown, the River is divided by Orphan Island, the western Channel of which is alone used for the passage of large Vessels. This part of the River nearly opposite Buckstown, is what is termed the Narrows, and has been thought by some as a suitable place for extensive Fortifications.

Castine has great strength from its natural situation, and if proper Batteries were erected might almost bid defiance to an attack. From the narrowness of the Isthmus which connects it with the Main, it could be insulated without much labor or expense, and this mode of defence, in addition to strong Batteries, would, if in the possession of an Enemy, who had the superiority at Sea, render it impregnable. In its present situation it might easily be taken, and when taken, could be held with a comparatively small Force. From an attentive examination of the Bay and River Penobscot, as high up as Buckstown, it is believed that an Enemy cannot possess himself of any position along the Waters of the Penobscot, Castine, and the Islands within the Bay excepted, without leaving in his rear Places advantageous either for driving him from the points he might possess, or for cutting off his retreat, the surface of the Country along the River presenting innumerable military positions. The importance, therefore, of Fortifications at the Narrows, near Buckstown, is of minor consequence, when compared with the defence and possession of Castine, since an Enemy

would hardly dare to proceed up the River until he secured the command at the entrance.

The very great importance which has been attached by the British to the possession of this Place, has been proved by the events of the late and of the Revolutionary War, and the consequences which would evidently result to this portion of the Country from an early and continued occupation of Castine by an Enemy, are so obvious, as to supersede the necessity of dilating upon the subject.

Its bold Water and excellent Harbor affording shelter for the largest Fleets; its accessibility at all seasons of the year; its favorable situation for the entry of Prizes; and above all, its geographical situation, communicating in a few days' sail with Halifax, and, by a short route up the Penobscot with Quebec, giving a command of all the intermediate Country, from the Penobscot to the St. Croix, make its possession an object of the highest consequence in the event of another War with Great Britain.

The Undersigned is fully of opinion, that Castine may be fortified without great expense, so as to resist any Force which would probably be brought against it, and that its importance is great, and such as to merit the high consideration of the Government.

W. BAINBRIDGE, *United States Navy.*

The Hon. Benjamin Crowninshield.

(3.) *Adjutant-General Mattoon to Commodore Bainbridge.*

Adjutant-General's Office,

DEAR SIR,

Boston, 1st November, 1817.

IN answer to your Letter of 22nd ult. I would hereby certify, that 13,182 Militia are enrolled in the Infantry, 764 Artillery, and 665 Cavalry, within 20 miles of Boston, amounting to 14,611 men, who may be assembled in this Place in time of alarm, within 24 hours; to this number may be added, the exempt, and others which might be brought into service on a special occasion, 3,500 more, making an effective Force of 18,111 men.

6,000 may be assembled in 10 hours in Boston. Within 30 miles a Force of the same description, of 24,500, in 48 hours. Within 40 miles in 96 hours, 30,000. In the late War some Companies arrived in Boston in 5 days from 95 miles distance.

I am, very respectfully, &c.

Commodore Bainbridge.

E. MATTOON, *Adjutant-General.*

(4.) *STATEMENT of the number of Vessels which were entered and cleared from and for Foreign Ports at the Custom House in Boston, in the months of January, February, and December, for 3 successive years, viz. 1814, 1815, and 1816, designating the numbers for the 1st, 2nd, and 3rd parts of each month; exhibiting also, the number of Coasters which did actually enter and clear in the months and years aforesaid, and the estimated number of Coasters which arrived and departed without entering or clearing at the Custom House, during the same periods.*

1814.	En-tered.	Clear-ed.	1815.	En-tered.	Clear-ed.	1816.	En-tered.	Clear-ed.
From 1st to 10th Jan.	8	1	From 1st to 10th Jan.	0	1	From 1st to 10th Jan.	13	12
10th to 20th	1	1	10th to 20th	0	4	10th to 20th	1	13
20th to 31st	2	4	20th to 31st	0	1	20th to 31st	1	11
	6	6		0	6		34	36
From 1st to 10th Feb.	2	2	From 1st to 10th Feb.	2	0	From 1st to 10th Feb.	10	17
10th to 20th	5	1	10th to 20th	0	0	10th to 20th	3	9
20th to 28th	2	2	20th to 28th	0	0	20th to 28th	10	8
	9	5		2	0		23	34
From 1st to 10th Dec.	0	1	From 1st to 10th Dec.	13	15	From 1st to 10th Dec.	17	17
10th to 20th	0	3	10th to 20th	27	13	10th to 20th	20	27
20th to 31st	0	2	20th to 31st	15	18	20th to 31st	7	11
	0	6		55	46		44	55

COASTERS.

1814.	En-tered.	Clear-ed.	1815.	En-tered.	Clear-ed.	1816.	En-tered.	Clear-ed.
From 1st to 10th Jan.	8	43	From 1st to 10th Jan.	7	4	From 1st to 10th Jan.	12	54
10th to 20th	13	27	10th to 20th	10	8	10th to 20th	30	25
20th to 31st	24	18	20th to 31st	7	3	20th to 31st	25	44
	40	98		24	15		76	123
From 1st to 10th Feb.	10	23	From 1st to 10th Feb.	1	1	From 1st to 10th Feb.	21	30
10th to 20th	27	13	10th to 20th	4	3	10th to 20th	18	22
20th to 28th	47	60	20th to 28th	6	2	20th to 28th	31	33
	84	96		11	6		70	85
From 1st to 10th Dec.	8	7	From 1st to 10th Dec.	41	70	From 1st to 10th Dec.	60	55
10th to 20th	6	7	10th to 20th	46	69	10th to 20th	29	60
20th to 31st	12	10	20th to 31st	34	83	20th to 31st	40	54
	21	24		121	222		129	171

RECAPITULATION.

Total number of Coasters which entered and cleared in the Winter of 1814	-	-	-	-	288
Estimated number of Coasters which did not enter or clear	-	-	-	-	355
Total number of Vessels entered and cleared from Foreign Ports in the Winter of 1814	-	-	-	-	32
Total number of Coasters which entered and cleared in the Winter of 1815	-	-	-	-	241
Estimated number of Coasters which did not enter or clear	-	-	-	-	241
Total number of Vessels entered and cleared from Foreign Ports in the Winter of 1815	-	-	-	-	109
Total number of Coasters which entered and cleared in the Winter of 1816	-	-	-	-	654
Estimated number of Coasters which did not enter or clear	-	-	-	-	654
Total number of Vessels entered and cleared from Foreign Ports in the Winter of 1816	-	-	-	-	226
Total	-	-	-	-	2,873
Whole number of Vessels arrived and departed in the Winter of 1814	-	-	-	-	748
Whole number of Vessels arrived and departed in the Winter of 1815	-	-	-	-	1,391
Whole number of Vessels arrived and cleared in the Winter of 1816	-	-	-	-	1,394
Total	-	-	-	-	2,873

(5.) *TABLE showing the number of times of arrival and departure from the Port of Boston, of the Vessels of the Navy during the late War with Great Britain.*

Vessels' Names.		Number of times of Departure and Arrival.
Frigate	Constitution	7
	President.....	4
	United States.....	2
	Chesapeake.....	3
	Congress	4
Sloop	Hornet	2
	Frolic	1
	John Adams	1
Brig	Argus	2
	Nautilus	4
	Rattlesnake	2
	Siren	2

(6.) *REPORT of General J. G. Swift, Captain Samuel Evans, and Captain O. H. Perry, on their examination of the Ports and Harbors East of the Delaware Bay, as far as Portland, with a view to the selection of a proper Site for a Naval Depot, Rendezvous, and Dockyard.*

SIR, *United States' Navy-Yard, New York, 30th October, 1817.*

IN obedience to the Orders received from the Navy and War Departments, the Undersigned Commissioners, Officers of The United States' Navy, and Corps of Engineers, have examined the Ports and Harbors, east of the Delaware Bay as far as Portland. From Portland to Penobscot Bay was examined only by 2 of them.

The Undersigned respectfully submit to the Departments of Navy and War, their opinions of the several Harbors and Ports which they have examined, in relation to their importance as rendezvous for Ships of War and for Depots; and also of their susceptibility for defence.

In examining the Chart of the American Coast, we find various positions that might be very advantageously occupied for Naval purposes in time of War. There are a number of Harbors which afford convenient rendezvous for Ships of War, and which contain sites for Depots, and for national defence. They also combine facilities for the organization of Naval Expeditions. Some of these Harbors should be occupied by The United States, not only for the purposes desired, but also to prevent any Enemy of great Naval power from taking possession of them for similar purposes, in time of War. Possessed of these positions, such an Enemy would be enabled by their advantages, to increase the

evils of Blockade, and, perhaps, to prolong the contest. The positions presenting the most importance in respect of good Harbors, Depots, and defensible sites, are to be found in the Waters of Chesapeake and Narraganset Bays.

Of the Harbors which the Commissioners have examined, they have the honor to state as follows:—

Penobscot Bay, in the District of Maine.—This Bay is one of the most spacious in The United States. It is of easy access, and contains 2 positions which can be perfectly fortified, to wit, Castine and Fort Point. These Positions afford, in their immediate vicinity, good anchorage. The advantages which this Bay possesses, in the general view above-mentioned, are much enhanced by its situation, in relation to Canada and Nova Scotia. The route into the former Country is direct upon the Waters which disembogue at this Bay, and which approach the Chaudier, emptying into the St. Lawrence. Although The United States possess Harbors nearer to Nova Scotia than Penobscot Bay, yet from a combination of advantages, it commands a preference, because it seems better to unite in one position, the convenience of a good Harbor, the benefits of a Naval Depot, and the superiority of ground for Fortification, than to possess them separately. It must be acknowledged, that while an Enemy possess the command on the Ocean, Penobscot Bay could be blockaded, which, in time of War, would reduce The United States to the necessity of transporting by land, munitions, &c., not in Depot at Castine or Fort Point. The sketch of the Bay will present to view the points mentioned. These observations on Penobscot Bay, are made from the examination of it by Commodore Bainbridge and General Swift.

Portland, District of Maine.—At this Place all the Commissioners met, and proceeded to examine it with the views submitted in their Instructions. Relative to a Navy-yard or Depot, the Harbor offers one position at Portland Head, near the Sack Cove, sufficiently capacious for such a Naval Establishment, as will be seen by consulting the Sketch of the Harbor. This Harbor and site for a Depot can be defended by strengthening the present works, by constructing inclosed works in the rear of Forts Scammel and Preble, by occupying Rannie's Island with an inclosed work, and the height in Yarmouth also, as indicated upon the Sketch.

The Harbor of Portland is not large, though in every other particular it is a good one, easily entered, and is a convenient Harbor for a Squadron to "make" occasionally.

Portsmouth Harbor.—This Harbor is of easy access, and has an abundance of water, though from its confined and deep channel, the tide runs with too great a velocity to allow a Fleet to manœuvre or to anchor in with safety. It has already a building Establishment, and, in the opinion of the Commissioners, it would be advisable to retain

this Yard, on account of the excellent Ship-timber to be found in its vicinity. The defence of this Harbor is not difficult, the strengthening of the present Works (see the Sketch) and an inclosed work upon Sullivan's or Trefethern's Island, would secure the Harbor from any naval inroad.

Salem, Cape Ann, and Marblehead Harbors, are, neither of them, sufficiently capacious, and otherwise well situated for any other naval purposes than occasional Harbors.

Boston.—This Harbor is well known to be amongst the most important in a commercial point of view in The United States. It is capacious, and can be entered by any Vessel of War. Reports have been in circulation that a Bar exists at the mouth of this Harbor. The Commissioners have so far ascertained that this report is unfounded, as that there are upon this Bar $4\frac{1}{2}$ fathoms water, at low tide, as is exhibited upon the accompanying Chart. The Commissioners having examined this important point, with a view of determining its comparative value, are of opinion that Boston Harbor possesses many advantages, resulting from its natural means of defence, and its ample space of anchorage in the lower Harbor and Nantasket Roads. Other advantages are to be found in the proximity of the present Establishment, to materials for naval construction, in the dense Population of the Town and its vicinity. But from the uncertainty of entrance into this Harbor, and that a fair wind is requisite to enter President Roads, from those of Nantasket; and that the Harbor is occasionally obstructed by ice; from the difficulty of getting to Sea in easterly weather; from its susceptibility of Blockade, situate as it is at the bottom of a Bay; and from the dangerous navigation of Boston Bay in the Winter season; the Commissioners are of opinion, (with one exception,) that it is advisable to retain the present Establishment, connecting with it a Dry-dock, for occasional buildings and repair, but that it is not advisable to establish a great National Depot and Rendezvous at this Place. The Harbor can be secured from maritime attack, by occupying George's and Long Island, and by strengthening the defences of the works on Castle, Governor's, and Noddle's Islands. (See the Map.)

Rhode Island Harbor, and Narraganset Bay, Watch Hill, Fisher's Island Sound, and New London Harbor.—The examination of these Waters has convinced the Commissioners, that they are of great national value, not only in a naval point of view, but also in that of defence. The connexion of them, which is here made, is intended to exhibit the opinion of the Commissioners, that in naval, as well as in commercial operations, the power of maintaining this connexion should be preserved as far as may be practicable, and indeed extended, were it within reasonable means, by the line across the Sound from the western extreme of Fisher's Island, by the Race and Gulls to Gard-

ner's Bay. But the distance exhibited on the Map from Fisher's Island to the Gull, the rapidity of the tides and great depth of water, the distance from the Gull to Gardner's Bay, and the distance of good anchorage in Gardner's Bay from that Island, are such, as to preclude, in the unanimous opinion of the Commissioners, the hope of extending a line of defence by permanent Fortifications from Fisher's Island to the Bay just mentioned.

The use of Steam Batteries in these Waters, would, in the opinion of the Commissioners, aided by a supporting Fortification on Gardner's Island, form an important and imposing obstacle to the occupancy of these Waters by an Enemy who may possess a greater Naval Force than The United States. For all the objects of naval rendezvous and national defence, the Commissioners agree unanimously in the opinion herein expressed, in relation to the Waters of Narraganset Bay, the Sound, and New York. The Commissioners, (except one,) are of opinion that Narraganset Bay presents the best site for a Naval Depot in the Union, north of the Chesapeake Bay, for the following reasons: the Population within 2 days' march of this Bay, is equal, if not superior to any Section of the Union of equal area, consequently the means of defence which a dense Population affords, is to be found in the vicinity of it in an equal degree with any other point on the Coast. Because, in a geographical view, this Bay and that of the Chesapeake form the two great points on the Sea Coast conveniently situated as to distance from the Atlantic extremes of the Union, affording mutual advantage to effect a concentration of any Naval Force; and the line of their communication would afford to such a Force, the means of protecting important intermediate positions, to wit: the Delaware, New York, and Long Island Sound; because, particularly as it relates to Rhode Island Harbor, it is very accessible from sea at all Seasons of the year: it affords capacious Harbors, can be entered from the Ocean, and the Ocean can be reached from it in a few hours sail, because it can be entered when the wind is northwest; and because it is not susceptible of a continued Blockade; nor is it obstructed by ice. An examination of this Bay has satisfied the Commissioners (with one exception) that the best site for a great Naval Depot east of the Chesapeake Bay, is to be found in this Bay and the various positions upon the Waters of it. The sites are Gaspé Point, Mount Hope Bay, near Bristol, the Basin and Fall River. The Basin at the northern extremity of Rhode Island, formed by the north part of the eastern Passage and the Stone Bridge at Howland's Ferry and Fall River at the margin of Taunton River, present the best sites. Both have great advantages, the first from its accessibility and from the circumstance that the defence of Rhode Island will include that of this position: The latter named Place has natural means for forming Dry Docks and to propel machinery by its falls. Inasmuch as the water of Wa-

tapor South Pond, can be conveyed by conducts to the Basin, and as the site at Fall River would involve an extensive line of defence, the Commissioners prefer the Basin. The Commissioners have received information that an abundance of oak timber, iron ore, and of Workmen can be procured within a range of 30 miles from this Basin. The line of defence for Rhode Island Harbor, including that of the Depot, is indicated upon the Map, commencing at Dutch Island, in the western passage, between Conanicut Island and the Main Land, and extending by the Dumplins, Brenton's Point, Tammany Hill, and Butt's Hill, to Tiverton Heights.

In relation to the connexion before mentioned of the Harbor of Rhode Island, and those near Watch Hill, Fisher's Island Sound, and New London, the line of defence upon these positions is indicated on the Map. Ships of War and Merchantmen, in coming from Sea, could, in a northeast wind, make the Harbor by Watch Hill, and Fisher's Island, or could reach New London Harbor without being cut off by an Enemy occupying Gardner's Bay. From these positions a westerly or southerly wind would enable Fleets to run through Fisher's Island Sound, by Watch Hill to Rhode Island Harbor, without incurring the danger of being intercepted by any Vessels lying in Gardner's Bay. The Harbor of New London is of very easy access, and is capacious and safe; and, in relation to the line through Fisher's Island Sound, is deemed a very valuable Harbor. An abundant depth of water extends from New London to Comstock Point. This Point has many advantages for a Naval Depot. The Commissioners, however, with the exception before mentioned, prefer Narraganset Bay, for reasons which have been assigned.

New York Harbor.—This Harbor presents itself in a two-fold view, inasmuch as it has a double communication with the Ocean, and is connected with Canada by means of the Hudson and Lake Champlain. These views deservedly attach a great importance to New York Harbor, for Naval and Military purposes; any Ship of War can enter this Harbor from the Ocean by Sandy Hook, or through the Sound; and although the Commissioners do not deem it advisable to establish a large Naval Depot and Rendezvous at this Place, yet they advise the occupancy of the present Yard for occasional depot, building and repairs, and for a Dry-dock. This Depot should be established to ensure Naval Supplies, and to aid such Military operations as a state of War may render necessary. This Harbor may, from the Sound side, be considered as in some degree connected with New London, and more particularly so, as Frog's Point, at the entrance of the Sound, offers a site for a Fortification, which would amply secure an outer Harbor to that of New York. There is an abundance of water and good anchorage near this Point. New York Harbor is occasionally obstructed with ice.

[1817—18.]

3 X

The Commissioners were, from unavoidable circumstances, prevented meeting and commencing their examinations, until the 21st of July. The time in which it was necessary to make up their Report, has not been sufficient to enable them to enter into details of survey or of calculation, as to the expense of constructing Forts at different Places. These calculations require much time, as they refer to the fortification of as many sites as shall be selected for defence, between Penobscot Bay and New York. It may, with propriety, be said, that the expenses of constructing Fortifications cannot be estimated from the data furnished by the costs of the works, that have been heretofore erected. These works have been, in almost every instance, constructed upon the scale of Redoubts, and not upon that deserving the name of Fortifications.

The Commissioners have, in their survey and examination, only determined where it would be best to locate a great Naval Depot, and where sites for defence should be selected. They are convinced of the impracticability of defending the entrance into Long Island Sound from the Western Point of Fisher's Island, to the Gulls and Gardner's Bay. They are convinced that the entrance through Fisher's Island Sound may be defended. They have indicated the positions which should be occupied for defence, on the Map. They have decided that Frog's Point can be so secured, as to form a good outer Harbor to New York, and an inner Harbor from the side of the Sound.

If the positions recommended should be deemed of sufficient importance to be occupied, Engineers should be sent to make the most minute surveys, so as to determine the position and form of the works, which, when constructed, are to last many years, and which, in their construction, must involve a great expenditure. As to the expense of constructing Docks, &c., the remark, in relation to details of Fortifications, will equally apply to these constructions.

The enclosed Memorandum, relative to timber, workmen, and iron ore, is furnished for reference. Commodore Bainbridge will communicate his own opinion upon the subject of a great Depot, as he does not agree with the other Commissioners, in recommending the location of such a Depot in Narraganset Bay.

We have the honor to be, &c.,

J. G. SWIFT, B. G.

SAMUEL EVANS.

O. H. PERRY.

The Hon. B. W. Crowninshield.

(7.)—*Report of the Commissioners appointed to survey the lower part of Chesapeake Bay.*

Old Point Comfort, Hampton Roads, 24th January, 1818.

THE Undersigned, Commissioners, appointed to examine the lower part of Chesapeake Bay, Hampton Roads, and York River, for the

purpose of determining, whether the entrance into the former could be prevented by Fortifications, extending from the Horse Shoe to the Middle Ground ; and whether the latter could be so fortified as to prevent the entrance of a hostile Force ; have the honor to state, that, from various causes, they were not enabled to assemble, until the latter part of the month of December, 1817 ; that they commenced to discharge the duty assigned them on the 1st of January, 1818, at Old Point Comfort. From the advanced stage of the season, and the consequent uncertainty of having such weather as would enable the Commissioners to effect a thorough examination of the Waters of Chesapeake Bay, and the entrance of York River, they recommend that the execution of their duty in relation to those Places, may be postponed until the 1st of May next.

To the date of this Report, from the 1st of January, the Commissioners have been employed in surveying and examining Old Point Comfort, the Rip Rap Shoal, and the entrance into Hampton Roads. The result of this examination, is a conviction on the part of the Commissioners, that the passage into those Roads can be so fortified as to prevent the entrance of any hostile Fleet. The extent and efficiency of such Fortifications, will depend upon the decision of the Government, as to the length of time which the works should be enabled to withstand the attack of a combined Naval and Land Force, of a given magnitude.

If the amount of resistance to be made at this Pass be merely an obstruction of the entrance into Hampton Roads, without any reference to a land attack, the Commissioners believe that competent water-defences may be constructed to such an effect. As, however, the object of forcing an entrance into Hampton Roads, might be deemed by an Enemy worth the expense of a regular siege, the Commissioners deem it their duty to recommend a system of defence equal to such an exigency. Such a system should embrace the occupation of the Rip Rap Shoal, with a castellated Fort ; the channel between that Shoal and Old Point Comfort, with a boom raft ; and Old Point itself, with an inclosed work, the whole to be so located as to afford a mutual protection, and to embrace, in the total, the power to resist any force which may be brought against the Pass into Hampton Roads. The Commissioners have not as yet been able to collect sufficient data to authorize them to offer you a complete plan. The magnitude of the work may affect the prices of materials and workmanship, and as the nature of the substratum at the sites has not yet been sufficiently ascertained, no determinate amount of expense can be estimated, upon which the Commissioners can with safety rely.

For a general view of the subject, the Commissioners present the enclosed Charts, which will exhibit the Positions that should be occupied, and may enable you to form some opinion of the approximate

expense which the adoption of the system would involve ; in aid of which they also enclose an Estimate for a work on the Rip Rap Shoal, which is predicated on the supposition that the substratum of that site is solid, and upon the usual prices of materials and workmanship in this Section of the Union.

It is the wish of the Commissioners to lay before you their reasons in detail, upon the proposed system, to which effect the Commissioners can with usefulness employ their time till May next, in acquiring further information, and in digesting as perfect a plan as the nature of the case will admit.

The Commissioners deem it their duty to state to you, that Majors Robedeau and Kearny, and Lieutenant Blaney, have attended the Commissioners, and have, by their assiduous attention, been materially beneficial in surveying and drawing.

Respectfully submitted,

J. G. SMITH, Br. Gen.
L. WARRINGTON.
W. K. ARMISTEAD.
W. M'REA.
J. D. ELLIOTT.

The Hon. B. W. Crowninshield, Secretary of the Navy.

PROCLAMATION du Roi, Charles Jean, aux Habitans de la Suède, annonçant qu'il est monté sur le Trône, en qualité de Roi de Suède et de Norrège.—Donnée au Chateau de Stockholm, le 5 Février, 1818.

Nous, Charles Jean, par la grâce de Dieu, Roi de Suède et de Norvège, des Goths et des Vandales, à tous nos fidèles Sujets, habitant le Royaume de la Suède, salut :

Lorsque par suite de la Proposition, faite aux Etats-Généraux par feu notre Père, le Très-puissant Roi et Souverain Charles XIII, nous fûmes unanimement élus, le 21 Août, 1810, pour son Successeur au Trône de Suède, et qu'appelés à la fois par la voix du Monarque et la volonté du Peuple, nous acceptâmes cette vocation glorieuse mais difficile, nous fûmes guidés par la puissante considération que votre résolution libre et spontanée étoit amenée par des événemens qui nous étoient absolument étrangers, et qui ne dépendoient pas de nous. Cette résolution nous fit renoncer à une vie paisible, qui alors étoit l'objet de tous nos vœux. Nous reçûmes à notre arrivée en Suède, la preuve la plus éclatante de la confiance et de la tendresse de votre Roi, dans l'Acte, par lequel il nous adopta pour son Fils ; et cette adoption, en imprimant un Sceau plus solennel et plus sacré à votre ouvrage, augmenta encore

et nos obligations et notre dévouement envers notre nouvelle Patrie. Pendant les années qui se sont écoulées depuis cette époque si précieuse à notre cœur, nous avons tâché de remplir envers ce Prince, à jamais chéri et regretté, tous les devoirs d'un fidèle Sujet et d'un tendre Fils, et nous avons trouvé chaque jour, dans son amour paternel, la plus belle récompense de nos efforts.

Ce bonheur n'existe plus pour nous : la mort nous a ravi celui qui nous avoit voué toutes ses affections. Arraché de nos bras, de ceux d'une épouse inconsolable, du cercle de sa Famille éplorée, enlevé à un Peuple dont il fut 2 fois le sauveur, il est mort avec la tranquillité du sage, avec la paix d'une conscience pure, et accompagné des consolations de la religion et des larmes de la reconnaissance, il est allé recevoir sa récompense éternelle dans un meilleur monde. Nous avons reçu pour vous ses dernières bénédictions, qui, au terme de sa carrière, étoient aussi ferventes qu'au jour de la plénitude de ses forces. Nous avons déposé entre ses mains mourantes le Serment sacré d'Héritier, avec sa Couronne, de sa tendre sollicitude pour la Patrie, de ses vœux ardens pour votre bonheur.

Montant aujourd'hui, par suite de ce triste événement, sur le Trône de Suède et de Norvège, pour gouverner les 2 Royaumes d'après leurs Lois Fondamentales, et le Ricks-Akt, décrété et consenti, par les Etats-Généraux de Suède, le 6 Août, et par le Storthing de Norvège, le 31 Juillet, 1815, nous vous donnons l'assurance Royale de gouverner le Royaume d'après le Recès de la Diète, de 1810.

Dès notre première entrée sur le sol Suédois, le principal objet de nos soins a été de défendre votre liberté, vos droits et votre indépendance. La Providence a daigné couronner nos efforts ; aussi, dans cette occasion douloureuse, notre premier devoir, comme notre première pensée, nous ont portés à invoquer sa puissante protection pour l'heureuse issue de nos travaux ultérieurs. Nous nous attendons à être fortement appuyés par votre union et par votre patriotisme. Etroitement unis à votre Roi constitutionnel, vous continuerez d'être libres et indépendans ; c'est alors que vous honorez le plus dignement la mémoire du Prince, que nous pleurons aujourd'hui avec vous. Puissent ses mânes protecteurs veiller toujours sur la destinée d'un Peuple qui fut heureux par ses soins, et qui, sur la tombe de son Roi, peut dire avec toute l'effusion de sa reconnaissance : " Sans lui nous n'aurions pas ces Lois que nous avons nous-mêmes établies, ni cette terre libre qui couvre les cendres de nos Pères, ni cette perspective de l'avenir que ses vertus et ses sacrifices nous ont préparé ! "

Sur ce nous prions le Dieu tout puissant qu'il vous ait, nos bons et fidèles Sujets, en sa sainte et digne garde.

Au Chateau de Stockholm, le 5 Février, 1818.

G. DE WETTERSTEDT.

CHARLES JEAN.

DOCUMENTS referred to in the preceding Proclamation.

(1.)—*PROPOSITION du Roi de Suède aux Etats-Généraux, pour l'élection d'un Successeur au Trône.—Faite à Orebro, le 18 Août, 1810.*

(Traduction.)

A L'ÉPOQUE où les Etats du Royaume se séparèrent, il y a environ 3 mois, après une longue Diète, tout semblait promettre un avenir tranquille et fortuné. A la suite de grands malheurs, après de violentes secousses, l'Etat semblait avoir obtenu un calme long-tems désiré. 3 Traités de Paix avaient assuré ses frontières, resserrées par une guerre malheureuse. A côté du Trône, un Prince généreux offrait un nouvel appui au Pacte Social, que le Roi avait établi de concert avec les Etats. A l'effervescence qu'un changement politique laisse toujours dans les esprits, avait succédé une émulation mutuelle de concourir au bien de la Patrie. On reconnaissait la nécessité des grands sacrifices qu'imposaient les désastres essayés, et l'on s'y soumettait avec un dévouement unanime.

Le Roi partageait cet espoir et son cœur s'y livrait avec confiance, lorsqu'un de ces coups de la Providence, qui trop souvent détruisent les calculs humains, vint mettre le comble aux malheurs de la Suède. Le Prince Royal Charles Auguste n'était plus, et avec lui semblait s'évanouir jusqu'à l'illusion d'un avenir heureux.

Navré de douleur, le Roi fixa ses regards sur la situation de son Royaume et sur l'étendue de la perte qu'il venait de faire. Sa Majesté vit d'un côté un schisme dangereux prêt à se former, des passions violentes éclatant en actes illégaux, et de l'autre nulle sûreté pour le présent et pour l'avenir, sinon la durée incertaine des jours de Sa Majesté. Dans cette agitation des esprits, Sa Majesté n'hésita pas sur les devoirs qu'elle avait à remplir. Fidèle aux principes de Gouvernement qu'elle avait adoptés à son avènement au Trône, et à la maxime qui sert de devise aux armes de Suède, elle vit dans le bonheur de son Pays et de son Peuple la loi suprême de sa conduite.

Guidée par ces principes et par le souvenir de l'antique indépendance de son Pays, éclairée par les leçons qu'offre l'Histoire, n'ayant d'autre ambition que celle de consacrer tous ses moyens au bonheur de la Patrie, pour laquelle Sa Majesté avait exposé sa vie au milieu des combats, elle partagea la conviction générale sur la nécessité de fixer incessamment la succession au Trône, et de rendre aux Lois et à la sûreté personnelle une garantie inviolable.

Animée de ces sentimens, et fermement résolue d'accélérer l'élection d'un Successeur au Trône, Sa Majesté prêta une oreille favorable à la voix de la Nation, qui se déclarait hautement pour le Prince de Ponte-Corvo. De brillants exploits militaires, et des qualités distinguées comme Homme d'Etat, avaient illustré son nom, qui occupera une place éminente dans l'Histoire. Sa douceur et sa loyauté l'avaient fait chérir et

respecter même par des Nations ennemies ; et les rapports que des guerriers Suédois avaient eus avec lui, par suite des malheurs de la guerre, leur avaient fait connaître l'attachement de ce Prince pour un Peuple qu'il ne combattait qu'à regret. Toutes ces circonstances ne pouvaient manquer de fixer l'attention de Sa Majesté ; elles devaient influer sur son opinion, quant à la succession au Trône.

Sa Majesté a consulté dans cette question importante, l'opinion du Comité Secret et du Conseil d'Etat. La grande majorité dans le premier et l'unanimité des suffrages dans le second, ont fortifié le sentiment de Sa Majesté. Elle a cru qu'en confiant les destinées futures de la Suède au Prince de Ponte-Corvo, la gloire militaire qu'il a déjà acquise assurerait d'une part l'indépendance du Royaume, et de l'autre, lui ferait considérer de nouvelles guerres comme inutiles pour l'intérêt de sa renommée ; que sa mûre expérience et son caractère énergique maintiendraient l'ordre dans l'intérieur et assureraient les bienfaits de la paix ; que l'amour de la justice et de l'humanité qu'il a manifesté dans les Pays ennemis comme dans sa Patrie, s'exerceraient en faveur du bien-être et des Lois de sa Patrie adoptive, et enfin que son Fils ferait disparaître l'incertitude de l'avenir, objet auquel l'exemple du passé donne une importance majeure.

Par tous ces motifs réunis, Sa Majesté propose aux Etats du Royaume, Son Altesse Sérénissime, Jean Baptiste Jules Bernadotte, Prince de Ponte-Corvo, comme Prince-Royal, et Successeur de Sa Majesté au Trône de Suède.

Sa Majesté croit devoir ajouter, comme une condition indispensable prescrite par les Lois Fondamentales du Royaume, qu'il faut que le susdit Prince, en cas qu'il soit élu par les Etats à la succession au Trône, ait avant son arrivée sur le Territoire Suédois, embrassé la doctrine Evangélique Luthérienne, et qu'il signe ensuite un Acte de Garantie, semblable à celui qui fut dressé par les Etats pour son Altesse Royale le Prince Charles Auguste.

Sa Majesté a rempli le devoir que lui impose sa dignité Royale, et attendra avec une conscience calme la décision des Etats. Dans l'état actuel des choses, la conviction seule doit guider les suffrages de tout bon Suédois. Puisse une élection prompte et unanime resserrer les liens qui unissent Sa Majesté et ses Sujets, et leur acquérir un nouveau titre à l'estime des Puissances Etrangères ; puisse ce Royaume, souvent exposé à des périls imminens, et toujours habitué à les vaincre, après une longue alternative de revers et de prospérités, voir régner dans son sein le calme, l'union et le bonheur ; puisse la gloire des armes Suédoises rivaliser avec les arts de la paix ! et si la défense de la Patrie exige un jour leur emploi, puissent-elles ajouter de nouveaux témoignages à ceux que les fastes de l'histoire conservent !

Sa Majesté n'a, dans l'Election présente des Etats, d'autre intérêt que celui que lui inspire le zèle dont le cœur de Sa Majesté est animé

pour l'indépendance et la gloire de la Suède. Le Roi conservera ces sentimens jusqu'à la fin de ses jours, et ses derniers vœux seront pour sa Patrie.

Faite à Orebro, le 18 Août, 1810.

CHARLES.

G. DE WETTERSTEDT.

(2.)—*ACTE D'ELECTION de Jean Baptiste Jules Bernadotte, Prince de Ponte-Corvo, comme Prince Royal de Suède, par les Etats Généraux du Royaume.—Orebro, le 21 Août, 1810.—(Traduction.)*

Nous Soussignés, les Etats-Généraux du Royaume de Suède, Comtes, Barons, Evêques, Représentans de la Noblesse, du Clergé, de la Bourgeoisie et des Paysans, actuellement assemblés en Diète Extraordinaire, dans la Ville d'Orebro, savoir faisons : que Son Altesse Royale le Prince Charles Auguste de Schleswig-Holstein-Sonderbourg-Augustembourg, dit Prince Royal de Suède, des Goths et des Vandales, étant décédé sans héritiers mâles, et que, jugeant qu'il est de notre devoir de prévenir et de détourner le péril, pour l'indépendance et la tranquillité du Royaume, ainsi que pour les droits et les privilèges de ses Habitans, fondés sur les Loix Fondamentales, qui pourrait résulter d'une vacance du Trône et de l'élection qui s'en suivrait ; exerçant en même temps le droit qui nous est réservé dans le 94^e Article de la Constitution du 6 Juin, 1809, d'élire, en pareil cas, une nouvelle Dynastie :

A ces causes et considérant que le haut et puissant Prince et Seigneur, Jean Baptiste Jules Bernadotte, Prince de Ponte-Corvo, est doué des vertus et qualités qui nous donnent le juste espoir de jouir, sous le règne de ce Prince, d'une bonne administration et de la prospérité, fruits d'un Gouvernement légal, énergique et bienfaisant, Nous, les Etats-Généraux de Suède, sur la proposition de notre Auguste Roi, actuellement régnant, et sur la condition que le susdit Prince de Ponte-Corvo ait, avant son arrivée sur le Territoire Suédois, embrassé la Religion Evangélique Luthérienne, et signé les reversales dressées par Nous, avons élu volontairement par suffrages légaux et unanimes pour Nous et nos Descendans, le haut et puissant Seigneur, Jean Baptiste Jules Bernadotte, Prince de Ponte-Corvo, à la dignité de Prince Royal de Suède, pour, après le décès de notre Auguste Souverain actuel (dont le Tout-puissant veuille protéger les jours), régner sur la Suède et les Pays qui en dépendent, être couronné Roi de Suède et recevoir le serment de fidélité, enfin gouverner le Royaume suivant le but littéral de la Constitution du 6 Juin, 1809, ainsi que suivant les autres Loix en vigueur, tant fondamentales que générales et spéciales ; le tout conformément aux reversales que Son Altesse Royale donnera présentement et dans la suite, à son avènement au Trône.

Nous conférons également aux Descendans mâles légitimes de Son Altesse Royale, le droit d'occuper le Trône de Suède, dans l'ordre et

de la manière qui sont statuéés littéralement dans la Loi de Succession, que nous avons établie.

Nous, les Etats-Généraux de Suède, ayant arrêté ce qui précède avons en conséquence confirmé le présent Acte d'Election par la signature de nos Noms et l'apposition de nos Sceaux.

Fait à Orebro, le 21 jour du mois d'Août de l'An 1810, après la naissance de Notre-Seigneur.

[Suivent les Signatures.]

(3.)—*ACTE, dressé en commun par la Diète de Norwège et la Diète de Suède, pour fixer les Rapports Constitutionnels entre les 2 Royaumes ;—signé à Christiania le 31 Juillet, et à Stockholm le 6 Août, 1815.*

(Traduction.)

Nous, Charles, etc. etc. : savoir faisons :

La Diète du Royaume de Norwège et la Diète du Royaume de Suède, sont convenus et ont résolu, sur notre Proposition Royale, de dresser un Acte particulier pour fixer les Rapports Constitutionnels entre la Norwège et la Suède. Cet Acte est de la teneur suivante :

Nous Soussignés, Représentans du Royaume de Norwège, rassemblés ici à Christiania en Diète Générale, et Nous les Etats du Royaume de Suède, Comtes, Barons, Evêques, Membres de l'Ordre Equestre et de la Noblesse, de l'Ordre du Clergé, de la Bourgeoisie et des Paysans, rassemblés ici à Stockholm en Diète du Royaume, Nous déclarons : que les Peuples de la Scandinavie ayant été heureusement réunis avec l'aide de Dieu par un nouveau lien politique, qui a été formé, non par la force des armes, mais par une résolution libre et volontaire, qui ne peut et ne doit être maintenue que par une reconnaissance mutuelle des droits légitimes des Peuples, pour le soutien de leur Trône commun ; et Nous les Etats soussignés du Royaume de Suède, ayant sur la proposition de Sa Majesté le Roi, en date du 12 Avril, concernant les nouveaux rapports constitutionnels qui ont résulté de la réunion entre la Norwège et la Suède, reconnu et confirmé par notre consentement unanime les dispositions contenues dans la Constitution du Royaume de Norwège du 4 Novembre, 1814, sous la réserve néanmoins de notre droit constitutionnel pour les Parties qui entraînent un changement ou des modifications dans la forme de Gouvernement du Royaume de Suède ; enfin le Roi notre Souverain, ayant, le 10 Novembre suivant, adopté et confirmé par serment ces dispositions ; Nous avons cru, en qualité de Plénipotentiaires légitimes des Habitans de la Norwège et de la Suède, ne pouvoir fixer pour l'avenir d'une manière plus convenable et plus solennelle les conditions de la réunion de la Norwège et de la Suède sous un seul et même Roi, mais sous différentes Lois Civiles, que de rédiger et d'établir d'un commun accord, dans un Acte Particulier, ces dispositions, ainsi qu'il suit :

ART. I. Le Royaume de Norwège formera un Royaume libre, indépendant, indivisible et inaliénable, réuni avec la Suède sous un même Roi.

II. L'hérédité suivra la ligne descendante masculine et collatérale, de la manière qui a été réglée dans l'Ordre de Succession du 26 Septembre 1810, décrété par les Etats de Suède et adopté par le Roi. On comptera parmi les Héritiers légitimes l'Individu non encore né, qui venant au monde après le décès de son Père, prendra aussitôt la place qui lui est dévolue dans la ligne d'hérédité. Lorsqu'il naîtra un Prince ayant le droit d'Héritier des Couronnes réunies de Norwège et de Suède, son nom et le lieu de sa naissance seront déclarés à la première Diète de Norwège qui se rassemblera, et insérés dans son Procès Verbal.

III. S'il n'existe point de Prince qui soit de droit Héritier Présomptif, et qu'il s'agisse d'en nommer un par voie d'élection, la Diète de Norwège et celle de Suède seront convoquées pour le même jour. Le Roi, ou si l'élection de l'Héritier Présomptif devait avoir lieu pendant la vacance du Trône, le Gouvernement légitime des 2 Royaumes par intérim fera, dans la huitaine qui suivra le jour de l'Ouverture du Storting en Norwège, et celui où la Diète de Suède aura commencé ses Séances, la proposition relative à la succession du Trône, le même jour aux 2 Diètes. Les Membres des 2 Diètes ont également le droit de proposer un Héritier de la Couronne. Si l'un d'entre eux veut exercer ce droit, il sera obligé d'en faire usage avant la fin du terme ci-dessus fixé. La Diète de Norwège et celle de Suède fixeront ensuite un jour pour procéder chacune de son côté à l'élection. On devra nécessairement la commencer avant le 12^e jour révolu depuis le terme fixé pour la proposition. La veille du jour déterminé de cette manière par les 2 Diètes pour l'élection, les 2 Diètes choisiront parmi leurs Membres un Comité, qui, dans le cas où l'élection des 2 Diètes tomberait sur différents Individus, se réunira comme fondé de pouvoirs des 2 Royaumes, pour fixer à la pluralité des voix le choix sur un seul Individu.

Le jour fixé pour l'élection, les 2 Diètes, en se réglant sur le mode prescrit par la Constitution de chacune des 2 Royaumes, choisiront chacune un Individu parmi les Candidats proposés. Si le choix des 2 Royaumes tombe sur la même personne, ce sera l'Héritier légitime du Trône. S'il tombe sur 2 Individus, le Comité réuni des 2 Royaumes fera cesser cette différence par la voie du scrutin. Un Comité sera composé de 36 Personnes de chaque Royaume, et de 8 Suppléans, qui seront choisis suivant le mode particulier déterminé par chacune des 2 Diètes. Il y aura un ordre fixe, d'après lequel les Suppléans prendront part à l'élection, mais seulement dans le cas où quelqu'un des Membres du Comité ne pourroit point y assister.

Carlstadt sera le lieu de rassemblement pour les Comités des 2 Royaumes. Chaque Comité, avant de partir, l'un du lieu où s'assemble

la Diète de Norwège, l'autre de celui où se tient la Diète de Suède, choisira un Orateur parmi ses Membres. Le Roi, ou, dans le cas de son décès, le Gouvernement par intérim des 2 Royaumes, fixera, dans le plus court intervalle possible, après avoir appris la nouvelle du choix différent fait par les 2 Royaumes, et, en ayant égard aux distances des lieux de rassemblement des 2 Diètes, le jour où les Comités des 2 Royaumes se rassembleront à Carlstadt : ce terme ne doit point passer les 21 jours qui suivront les 12 fixés ci-dessus pour l'élection que doivent faire les 2 Diètes. Les Orateurs des 2 Comités se concerteront aussitôt après leur arrivée pour expédier les Lettres de convocation pour la matinée du jour après celui qui aura été fixé pour l'arrivée des 2 Comités au lieu de leur rassemblement.

Lorsqu'ils seront réunis, l'Orateur de chaque Comité lira d'abord ses Pleins-pouvoirs et ceux de ses Collègues ; ensuite ils tireront au sort lequel des 2 portera la parole pour l'élection. Le Comité réuni de cette manière pour les 2 Royaumes sous un seul Orateur, qui prendra aussi part aux votes, procédera aussitôt sans discussion au scrutin. Les Membres ne se sépareront point, et aucun d'eux ne quittera le lieu de la séance, avant que l'élection ne soit complètement terminée.

Avant d'aller aux voix, le Président de chaque Comité fera la lecture et l'échange du Document, qui contient le choix de ses Commettans fixé sur un Individu.

La proposition à mettre aux voix sera conçue d'après ce règlement, et le nom des 2 Candidats y sera porté suivant la Formule ci-dessous :

“ La Diète de Norwège et la Diète de Suède votent en commun pour choisir un Successeur aux Trônes réunis de Norwège et de Suède. La Diète de Norwège a proposé A. A., et la Diète de Suède B. B. Si la majorité des voix se réunit pour le premier, il est choisi pour Successeur légitime du Roi aux 2 Trônes réunis de Norwège et de Suède. Si le second a la majorité des voix, il est nommé Successeur légitime du Roi aux 2 Trônes.”

Avant de faire l'appel pour voter, on lira à haute et intelligible voix toutes les dispositions qui concernent la manière de voter.

L'appel se fera de manière que si l'Orateur du Comité est un Norvégien, il commencera par appeler les Commettans Suédois, et il appellera ensuite les Norvégiens. Ce sera l'inverse, si l'Orateur est Suédois.

Le scrutin se fera par Billets pliés, entièrement pareils pour la grandeur et la forme, et sur lesquels le nom de chaque Candidat sera exprimé en caractères semblables. L'Orateur qui ne dirige point l'élection, mettra son nom sur les Billets avant qu'ils ne soient délivrés aux Députés.

Les Billets, pour être valides, doivent être fermés et roulés séparément, sans aucune marque particulière. La pluralité absolue décidera. Avant de compter les Billets, l'Orateur en retirera un qu'il mettra à

part cacheté. L'appel terminé, si, en ouvrant les billets, il s'en trouve quelqu'un non valable, d'après les dispositions précédentes, il sera aussitôt anéanti. S'il en résultait un partage égal des voix, le billet cacheté mis de côté sera ouvert, et formera la voix prépondérante, s'il a les conditions ci-dessus requises. Si à défaut de quelqu'une de ces conditions, il est inadmissible, tout ce qui aura été fait sera non avenu, et l'on procédera à un nouveau scrutin. Si la pluralité est décidée sans avoir recours à ce moyen, le billet ci-dessus sera anéanti sans être ouvert. Un des Députés dressera le Procès-verbal du scrutin, en langue Norvégienne, si l'Orateur est Norvégien, et en langue Suédoise, s'il est Suédois. Ce Procès-verbal sera lu à haute voix aussitôt après la conclusion du scrutin ; il en sera tiré 2 Exemplaires conformes, que tout le Comité d'Election signera avant de se séparer ; il sera cacheté en présence de tous les Membres, et l'Orateur de chaque Comité aura soin qu'ils soient envoyés le même jour, l'un à la Diète de Norvège sous l'adresse du Président ; l'autre à la Diète de Suède, sous l'adresse du Maréchal de la Noblesse et des Orateurs. Sur l'Exemplaire envoyé à la Diète de Norvège les Députés Norvégiens signeront avant les Députés Suédois, et sur l'Exemplaire envoyé à la Diète de Suède, les Députés Suédois signeront les premiers. Aussitôt après, ou au plus tard le lendemain de la réception de cet Acte, il sera présenté à la Diète de Norvège et à celle de Suède, qui prendront sans délai les mesures nécessaires pour donner communication de la Résolution des Représentans des 2 Royaumes à Sa Majesté le Roi, ou, dans le cas de son décès, au Gouvernement par intérim.

IV. Le Roi aura le droit de rassembler les Troupes, de commencer la guerre, de faire la paix, et de conclure ou de rompre des Traités, d'envoyer ou d'admettre des Ministres Plénipotentiaires.

Si le Roi veut faire la guerre, il doit faire part de son dessein à la Régence de Norvège, et lui demander son sentiment sur cet objet ; il lui communiquera en même tems un Rapport détaillé sur l'état du Royaume, par rapport aux finances, aux moyens de défense, etc. Ensuite le Roi rassemblera en Conseil d'Etat Extraordinaire le Ministre d'Etat et les Conseillers d'Etat de Norvège, ainsi que ceux de Suède, et il exposera les motifs et les circonstances à prendre en considération dans le cas dont il s'agit. La Régence de Norvège fera en même tems sa déclaration sur l'état de ce Royaume, et il sera fait un Rapport semblable sur celui de la Suède. Le Roi demandera aux Membres du Conseil leur opinion, que chacun d'eux donnera séparément pour être insérée au Procès-verbal, sous la responsabilité que prescrit la Constitution. Alors le Roi aura le droit de prendre et d'exécuter la résolution qu'il jugera avantageuse à l'Etat.

V. Le Ministre d'Etat et les 2 Conseillers d'Etat de la Norvège, qui suivent le Roi, auront séance et voix délibérative au Conseil d'Etat de Suède, lorsqu'on y traitera d'objets qui intéressent les 2 Royaumes.

En pareil cas, on prendra l'avis de la Régence de Norwège, à moins que les choses ne demandent une si prompte exécution, qu'on n'en ait pas le tems. Toutes les fois qu'on traite devant le Roi au Conseil d'Etat de Norwège, où et quand il est rassemblé, des questions qui concernent les 2 Royaumes, 3 Membres du Conseil d'Etat de Suède y auront aussi séance et droit de voter.

VI. Si, le Roi venant à mourir, l'Héritier Présomptif du Trône est encore mineur, les Conseils d'Etat de Norwège et de Suède, se rassembleront aussitôt, pour régler en commun la convocation de la Diète de Norwège et de la Diète de Suède.

VII. En attendant que les Représentans des 2 Royaumes soient rassemblés et aient établi une Régence pendant la minorité du Roi, un Conseil d'Etat composé d'un nombre égal de Membres Norwégiens et Suédois, gouvernera, sous le nom de Régence par intérim de Norwège et de Suède, les 2 Royaumes, en se conformant à leurs Constitutions respectives. Ce Conseil d'Etat sera formé de 10 Membres de chaque Royaume. Ces Membres seront, pour la Norwège: le Ministre et les 2 Conseillers d'Etat de Norwège qui sont à Stockholm; 6 Conseillers d'Etat Ordinaires, ou spécialement nommés; lesquelles, en cas de vacance du Trône ou de minorité du Roi, seront choisis par la Régence, qui se trouve en Norwège, entre ses Membres, et remplacés en Norwège, par 3 Conseillers d'Etat au moins; enfin 1 Secrétaire d'Etat nommé aussi par la dite Régence dans les cas ci-dessus:—pour la Suède; les 2 Ministres d'Etat, 6 Conseillers d'Etat, et le Chancelier de la Cour; en outre, pour les affaires de la Suède, le Secrétaire d'Etat de ce Royaume, ou pour celles de Norwège, le Secrétaire d'Etat de Norwège, qui alterneront suivant leur ancienneté. Pour traiter les affaires des 2 Royaumes, on suivra les formes prescrites dans chacun des deux. Auprès de la Régence par interim, les affaires de Norwège seront proposées par le Secrétaire d'Etat de ce Royaume en langue Norwégienne; l'insertion au procès-verbal et l'expédition seront également en cette langue.

La langue Suédoise sera employée de la même manière pour les affaires de Suède. Les affaires qui intéressent les 2 Royaumes et qui par leur nature ne dépendent pas d'une expédition particulière d'Etat, ou d'une Administration Départementale, seront proposées par le Chancelier de la Cour, et expédiées par le Secrétaire d'Etat de chaque Royaume dans la langue de celui dont il dépendra. Les affaires diplomatiques seront proposées aussi par le Chancelier et portées dans un Procès-verbal particulier. On décidera à la pluralité des voix, et en cas de partage, l'Orateur aura voix prépondérante. Toutes les résolutions que l'on expédiera seront signées de tous les Membres.

Le Conseil d'Etat des 2 Royaumes, ayant la Régence par intérim, siégera à Stockholm. Le Ministre d'Etat de Norwège, et le Ministre d'Etat et de la Justice de Suède, tireront au sort à la 1^{ère} assem-

blée des 2 Conseils réunis, pour décider lequel des 2 portera le premier la parole. L'ordre étant ainsi fixé par le sort, les Orateurs alterneront ensuite tous les 8 jours, de sorte que chacun des 2 Ministres porte la parole successivement pendant une semaine. Dans tous les cas où, suivant la Constitution de la Norvège et de la Suède, l'Administration du Royaume doit être conduite par le Conseil d'Etat, celui des 2 Royaumes se réunira en nombre égal, suivant les Constitutions ci-dessus.

VIII. Le choix des Personnes chargées de la Régence pendant la minorité du Roi, se fera d'après les mêmes règles et de la même manière que le prescrit l'Article III. ci-dessus pour l'élection du Successeur au Trône.

IX. Les Personnes qui seront chargées de Régence dans les cas ci-dessus mentionnés prêteront serment, les Norvégiens à la Diète de Norvège, et les Suédois à celle de Suède.

Voici quelle sera la Formule de ce serment :

" Je promets et je jure de conduire l'Administration du Royaume d'une manière conforme aux Loix et à la Constitution, qu'ainsi Dieu et sa sainte parole me soient en aide."

Si aucune des 2 Diètes n'est alors assemblée, le serment sera déposé par écrit dans le Conseil d'Etat, et présenté ensuite à la 1ère Diète de Norvège et de Suède.

X. Les soins relatifs à l'éducation du Roi mineur seront réglés de la manière prescrite par l'Article VII. Un point fondamental sera que ce Prince apprenne suffisamment la langue Norvégienne.

XI. Dans le cas où la descendance masculine du Roi viendrait à s'éteindre, et où l'Héritier du Trône ne serait point nommé, on procédera à l'élection d'une nouvelle Dynastie dans la forme prescrite par l'Article III.

XII. Les dispositions que le présent Acte contient, étant en partie une répétition de la Constitution de Norvège, en partie un Supplément à cet Acte Constitutionnel, et fondées sur l'autorité qu'il donne à la Diète de ce Royaume, elles auront et conserveront pour la Norvège la même force que la Constitution elle-même, et elles ne pourront être changées que de la manière prescrite par l'Article CXII. de cette Constitution.

En témoignage que Nous avons approuvé et résolu tous les Articles du présent Acte de la manière ci-dessus, Nous les Membres de la Diète de Norvège, et Nous les Membres des Etats de Suède, Nous avons dressé cet Acte, et Nous y avons apposé nos Signatures et nos Cachets.

Fait à Christiania le 31 Juillet, et à Stockholm le 6 Août, de l'an de grâce 1815.

[Suivent les Signatures et les Cachets.]

Nous avons adopté et Nous sanctionnons l'Acte ci-dessus, avec tous

ses Articles, points et clauses. Nous ordonnons en même tems que tous les Individus qui doivent obéissance et fidélité à Nous, à nos Successeurs et à l'Etat, reconnoissent cet Acte et s'y conforment en tout et avec obéissance.

En foi de quoi, etc.

Fait à Stockholm, le 6 Août, 1815.

CHARLES.

***CONSTITUTIONAL ACT of the Kingdom of Bavaria.—
Munich, 26th May, 1818.***

(Translation)

MAXIMILIAN JOSEPH, by the Grace of God, King of Bavaria.

Impressed with a due sense of the important duties of a Sovereign, and actuated thereby, we have hitherto distinguished our Government by the adoption of such regulations as displayed our continued exertions to promote the general prosperity of the whole of our Subjects. In order more firmly to establish the same, we granted, in the year 1808, a Constitution to our Kingdom, which was suited to its external and internal relations existing at that time, and into which we admitted the introduction of a Representative Assembly as its principal and most essential provision. The great political events which occurred subsequently to that period, by which every German State was in some degree affected, and during the operation of which the People of Bavaria shewed themselves to be as magnanimous while suffering under oppression, as they were while engaged in contests on the field of battle, had scarcely reached their termination, by the Act of the Congress at Vienna, when we immediately endeavoured to complete the undertaking, which had been interrupted only by the circumstances of the times, with a steadfast and determined regard to the general and peculiar claims requiring to be attended to in order to promote the general purposes of the State. The preliminary proceedings which were directed to be taken with this object in the year 1814, and the Decree of the 2nd of February, 1817, prove the sincere resolution which we had previously formed on this subject. The present Constitutional Act, having first received the fullest and most mature deliberation, and having afterwards been considered by our Council of State, is the work of our own free-will and earnest determination, and our People will find in it, from the following summary of its contents, the strongest and most convincing pledge of the sincerity of our royal and paternal intentions :

Freedom of conscience, and a conscientious separation and protection of whatever is the property of the State and of the Church;

Freedom of opinions, with legal restrictions to prevent the abuse of it;

Equal right of Native Subjects to promotion to all the grades of Public Service, and to all marks of distinction awarded to merit;

Equal liability to be called upon for the duty and for the honour of bearing arms;

Equality in the eye of the Law, whether as Plaintiffs or Defendants, Accusers or Accused;

Impartiality and dispatch in the administration of Justice;

Equality in the imposition of, and in the obligation to pay, Taxes and Duties;

Order in every branch of the domestic economy of the State,—legitimate maintenance of Public Credit, and a guarantee of the proper application of the funds appointed for these purposes;

Re-establishment of the Communal Corporations, by the restitution to them of the administration of those affairs upon which most particularly depend their prosperity;

A Representative Assembly, proceeding from all classes of Citizens domiciled in the State, enjoying the rights of counselling, of assenting to Laws, of voting grants, of expressing wishes, and of preferring complaints on account of the violation of rights guaranteed by the Constitution; summoned in order to increase in public convocations the wisdom of deliberation without weakening the power and influence of the Government;

And, finally, a solemn pledge or guarantee, securing the Constitution against any capricious alterations, but not preventing those progressive changes in it which may be found by experience to tend more and more to its improvement.

BAVARIANS! These are the fundamental provisions of the Constitution granted to you of our own free-will and determination;—and in them you will perceive the principles of a King, who will not derive the happiness of his heart and the glory of his Throne from any other source than the prosperity of his Country and the love and affection of his People.

We hereby declare the following stipulations to be the Constitutional Law of the Kingdom of Bavaria:

TITLE I.—General Regulations.

ART. I. The Kingdom of Bavaria, collectively, with all the portions of Territory acquired recently and in previous years, shall form one Sovereign Monarchical State, according to the stipulations contained in the present Constitutional Act.

II. There shall exist for the whole Kingdom one general Assembly of Estates or Representatives, divided into 2 Chambers.

TITLE II.—Of the King and of the succession to the Throne, and also of the Regency.

ART. I. The King shall be the Supreme Head of the State,

shall unite in himself all the rights of political dominion, and shall exercise them under the conditions established in the present Constitutional Act, granted by himself.

His Person shall be sacred and inviolable.

II. The Crown shall be hereditary in the Male Line of the Royal House, according to the order of Primogeniture, and of regular lineal hereditary descent from the same Ancestor.

III. In order to establish the eligibility of Succession, a legitimate birth from Parents who were born of an equal class, and who were married with the consent of the King, shall be requisite.

IV. The Male shall have preference before the Female Descendants; and the Princesses shall be excluded from the Succession to the Crown, so long as there exists in the Royal House either a Male Descendant competent to succeed, or a Prince entitled to the Throne according to any Special Compact of reciprocal inheritance.

V. In the event of the entire extinction of the Male Line, and in default of a Special Compact of reciprocal inheritance, concluded with another Princely House belonging to the Germanic Confederation, the Throne shall devolve upon a Female Descendant, in precisely the same order of succession as is established for the Male Line; so that the Bavarian Princesses, or their Descendants, without distinction as to sex, who are living at the time of the demise of the last reigning Monarch, shall be eligible to succeed to the Throne, in the same manner as if they were Princes belonging to the original Male Line of the Bavarian House, according to the order of Primogeniture, and the right of lineal hereditary succession.

If in such new reigning branch of the Royal House, Descendants of the first grade and of both sexes should be born, the preference shall be again enjoyed by the Male to the exclusion of the Female Line.

VI. Should the Bavarian Crown, in the event of the extinction of the Male Line, devolve upon the Sovereign of another Monarchy, who could not or would not reside in the Kingdom of Bavaria, the Crown shall then pass over to the second-born Prince of the same House, and the like hereditary succession shall be observed in his Line as has been already pointed out.

But if the Crown should devolve upon the Consort of a Foreign Sovereign ruling over another Monarchy, such Consort shall nevertheless become Queen: Her Majesty must, however, appoint a Viceroy, who shall take up his residence in the Capital of the Kingdom, and, after her demise, the Crown shall devolve upon her second-born Prince.

VII. The Princes and Princesses of the Royal House shall attain their majority upon their completing the 18th year of their age.

VIII. The other relative circumstances of the Members of the [1817—18.]

Royal House shall be arranged in conformity with the regulations of the Pragmatic Family Law.

IX. The Government shall be administered by a Regent :

a. During the minority of the Monarch ; and,

b. When the Monarch is prevented from continuing to exercise the Supreme Authority, and shall not have made, and is unable to make, arrangements for the due administration of the Government.

X. The Monarch shall be at liberty to select, from amongst those Princes of the Family who have attained their majority, a Prince to act as Regent during the period of the minority of his Successor.

In default of such a selection, the temporary administration of the Government shall devolve upon the Male Descendant from the original Ancestor, who is the next Heir in the established order of hereditary succession, if he shall have attained his majority.

Should the Prince, however, upon whom, according to the above regulation, the Regency would devolve, be a Minor, or be unable, from any other cause, to undertake it, the temporary direction of affairs shall then devolve upon the Male Descendant from the original Ancestor, who is the next Prince in succession after him.

XI. Should the Monarch, by any cause whatever, the existence or the effect of which shall continue longer than a year, be prevented from exercising the supreme authority ; and should he not previously have provided for this contingency, and be prevented from making the requisite arrangements, the same legal Regulations with respect to the Regency, which are to be observed in the event of his minority, shall be adopted in this case, with the concurrence of the Estates, to whom the causes of prevention shall be explained.

XII. When the King, agreeably to Article X, shall nominate the Regent, who is to act during the minority of his Successor, the Declaration of Appointment, to be executed for this purpose, shall be preserved among the Family Archives, under the charge of that Minister to whom the performance of the duties of Officer of the Royal House are entrusted, until the demise of the Monarch ; and, upon the occurrence of that event, it shall be communicated to the Collective Ministry of State, for their information, and with a view to Public Proclamation. The Act containing the Appointment shall, at the same time, be communicated also to the Regent.

XIII. Should there be no Male Descendant from the original Ancestor living, who is qualified to take upon himself the temporary government of the Kingdom, the Queen, Widow of the deceased Monarch, should there be one, shall become Regent.

Should there be no such Queen-Widow, the Sovereign Authority shall be assumed by that Officer of the Crown whom the last reigning Monarch may have nominated for the purpose ; and if the nomination of such an Officer should not have been made by him, the Regency

shall then be transferred to the Principal Officer of the Crown, who is not prevented by any legal obstacle from undertaking it.

XIV. In any case, the Queen-Widow shall have the charge, under the superintendence of the temporary Administrator of the Kingdom, of the education of her Children, agreeably to the particular stipulations upon this subject contained in the Family Law.

XV. In the cases pointed out in Article IX, § *a* and *b*, the Government shall be administered in the Name of the Monarch;—whether he be a Minor, or be prevented from exercising the supreme authority.

All Documents of every description shall be issued in his Name and under the usual Royal Seal, and all Coins shall be stamped with his Effigy, Arms, and Titles.

The Regent shall subscribe himself as “ The Administrator of the Kingdom of Bavaria.”

XVI. The Prince of the Royal House, the Queen-Widow, or the Officer of the Crown, to whom the temporary Administration of the Kingdom shall be confided, must, immediately after his or her assumption of the Regency, convoke the Estates, and, in the midst of them, and in the presence of the Ministers of State, and also of the Members of the Council of State, take the following Oath :

“ I swear to administer the State in conformity with the Constitution and the Laws of the Kingdom; to maintain the integrity of the Kingdom and the rights of the Crown, and faithfully to surrender up to the King the authority, the exercise of which is entrusted to me. So help me God, and his Holy Gospel.” Of which Oath a Special Record shall be kept.

XVII. The Regent shall exercise, during his or her temporary Administration of the Kingdom, all those rights of Supreme Power which are not specially excepted by this Constitutional Act.

XVIII. All Offices, with the exception of those in the Department of Justice, which fall vacant during the temporary Administration of the Government, can be only provisionally filled up. The Regent cannot alienate the property of the Crown, nor grant Fiefs, nor introduce new Offices.

XIX. The Collective Ministry of State shall form the Council of the Regency, and the Regent shall be bound to take the opinion of this Council upon all important matters.

XX. The Administrator of the Government shall, during the continuance of his or her Regency, inhabit the Royal Residence, and be maintained at the charge of the State; and there shall be assigned to the Regent, for his or her own disposal, out of the Public Treasury, the sum of 200,000 florins annually, payable in monthly proportions.

XXI. The duration of the Regency, in the 2 cases mentioned in

Article IX shall be;—in the first, until the majority of the King, and in the second, until the obstacle which may have arisen shall have ceased.

XXII. When the Regency is at an end, and the King, upon assuming the Chief Authority, shall have made the solemn Deposition pointed out in Title X, Article I, all the transactions of the Regency shall be considered as concluded, and the Accession of the King to the Government shall be solemnly proclaimed, both in the Capital and throughout the Kingdom.

TITLE III.—Of the Property of the State.

ART. I. The Property of the State throughout the Kingdom of Bavaria shall form a single, indivisible, inalienable, collective mass, by the union of all its constituent parts, comprizing Territories of every description, Lordships, Domains, and Royal Dues and Rents, with every thing appertaining thereto.

All new acquisitions of immoveable property in virtue of Private Titles, whether they be derived from the direct or the collateral line, shall, unless the Person who first acquired them made, during his lifetime, a special disposition of them, fall to the inheritance of the male line, and be considered as incorporated with the collective mass.

II. The inalienable property of the State, which, in case of a separation of the public and private effects of the deceased Monarch, ought not to be introduced into the inventory of the latter effects, shall consist of:

1. All the Archives and Registries;
2. All the Public Establishments and Buildings, with their appurtenances;
3. All the Arms and Ammunition, and all the Military Magazines, and whatever is required for maintaining the Fortifications of the Country;
4. All the Establishments of the Royal Chapels, and of the Offices belonging to the Household of the Sovereign, with all the furniture appertaining thereto, which are entrusted to the charge of the Superintendents and Principal Officers of the Court, and are necessary for the use, or for the splendour, of the Court;
5. All that has been appropriated to the arrangement, or for the ornament, of the Town Residences and Country Palaces;
6. The Property of the Royal House, and whatever has been united to it by testament;
7. All Collections for the promotion of the Arts and Sciences, such as Libraries, Museums, Cabinets of Natural Curiosities and Coins, Antiques, Statues, Observatories and the Instruments used in them Pictures, and Collections of Copper Plate Engravings, and all other Articles which are set apart for the use of the public, or for the encouragement of the Arts and Sciences;

8. All actual and available sums in Cash and Capital Funds in the Public Treasury, and all Collections of Natural Productions, remaining with the Administrators of the Public Domains; together with all outstanding Dues payable to the State; and lastly,

9. Whatever has been procured with the public money.

III. All the constituent parts of the property of the State, as has already been determined in the Pragmatic Law of 20th October, 1804, (from which have been transferred into the present Constitutional Act those stipulations, which are, according to the altered circumstances relating thereto, still in force upon the subject,) shall be for ever inalienable, with a reservation of the under-mentioned modifications.

All the rights of Supreme Authority, however, shall, without exception, and above all others, be maintained entire and undivided, for him who is to enjoy them by virtue of Primogeniture.

IV. Not only is every actual sale to be regarded as an alienation of the property of the State; but also any donation to the living, or any transfer by the terms of a last will or testament, or any grant of a new fief, or the imposition of any permanent burthen upon, or the mortgaging or surrendering up of any part of, such property, in consequence of a compromise entered into upon condition of the receipt of a sum of money, are to be so regarded. Exemption from contributing towards the public burthens shall, on no account, be conceded to any Subject of the State.

V. Those fiefs, public domains, and revenues, which have already been granted, as rewards for particular services rendered to the State, shall be excepted from the above prohibition.

The King shall also be at liberty, at all times, again to dispose, by grant, of all the fiefs which may fall in.

Other public domains or revenues may, with the concurrence of the Estates, be granted, in the character of male-fiefs of the Crown, as a recompense for great and decisive services rendered to the State. Reversions to domains, revenues, and privileges, which may at any future time devolve to the Crown, shall not be granted, nor any reversions to Offices of honour or profit.

VI. From the prohibitions, as to alienations, shall further be excepted :

1. All those public transactions of the Monarch, which, being within the limits of the rights belonging to him as the Supreme Authority, have been undertaken upon public grounds, and with a view to the benefit of the State, either with Foreigners or with Subjects of the Country, relative to the hereditary property and public domains;

2. Especially also, whatever particular estates and dues are given up, in order to bring to a termination a depending law-suit, and upon condition of retaining or acquiring other estates, revenues, or privileges, or with a view to the settlement of a question of

Boundary-line with the neighbouring States, and also upon condition of receiving in return a suitable compensation ;

3. Whatever is given in exchange for other absolute property, and privileges, which may be of equal value ;

4. Whatever particular alienations or exchanges of the property of the State have, in conformity with some public purpose, and in consequence of the regulations already issued, been found advisable, agreeably to the strict principle of carrying into effect a progressively improving administration of the public resources, in order to promote agricultural amelioration or the general prosperity of the Country, to benefit the public Treasury, or to abolish any prejudicial management peculiar thereto.

VII. In all the cases described in the preceding Article, the Revenues of the State shall not however be diminished ; but stipulations shall be made for compensating the parties, when necessary, by the payment of a dominical rent, if possible in corn ; and the money received from the parties shall be employed, in procuring new acquisitions, in affording temporary assistance to the fund for the liquidation of debts, or in any other manner having for object the general prosperity of the Country.

With respect to the moveable articles, comprehended in the property of the State described in Article II, the Sovereign may effect such alterations and improvements as may be suitable to time and circumstances.

TITLE IV.—*Of general Rights and Duties.*

ART. I. In order to be admitted to a full participation in all civil rights, both public and private, in Bavaria, the enjoyment of the right of a native Subject, called *indigenat*, shall be required ; which is obtained either by birth or by naturalization, according to the regulations detailed in the Edict upon this subject.

II. The right of a Bavarian Citizen of the State is obtained, as a natural consequence, by the grant of the right of *indigenat*, and is forfeited at the same time with the forfeiture thereof.

III. In order to exercise the above-mentioned right, it is necessary, in addition,

a. To have attained the age of majority fixed by Law.

b. To be domiciled in the Kingdom ; by the possession of lands, revenues, or privileges, liable to taxation, by the exercise of a trade upon which contributions are payable, or by holding a public appointment.

IV. Crown-Offices, the Principal Offices of the Court, Civil Employments of State, and the chief Military Appointments, as also Ecclesiastical Dignities, or Benefices, can be conferred only upon Natives, or upon Persons naturalized according to the Constitutional Regulations.

V. Every Bavarian Subject, without distinction, may attain to all

Civil and Military Appointments, and to all Ecclesiastical Dignities, or Benefices.

VI. Personal bondage, of any description whatever, shall on no account exist throughout the whole Kingdom, in conformity with the stipulations of the Edict of 3rd August, 1808.

VII. All indefinite soccage services shall be defined and made positive, and when regulated and arranged shall also be redeemable.

VIII. The State guarantees to each individual Inhabitant, security for his person, property, and rights.

No one shall be withdrawn from his ordinary Judge.

No one shall be apprehended or prosecuted, except in those cases distinctly laid down in the Laws, and then only according to the legal forms.

No one shall be compelled to surrender up his private property, even for public purposes, until after a formal decision of the assembled Council of State, and after the receipt of an indemnification, as settled in the Ordinance of 14th August, 1815.

IX. Perfect liberty of conscience is secured to every Inhabitant of the Kingdom; the simple act of domestic devotion, therefore, shall not be forbidden to any Individual, whatever may be the Religion which he professes.

The 3 Christian Ecclesiastical Communities existing in the Kingdom shall enjoy equal rights, both civil and political.

Those Individuals, however, who do not profess the Christian Faith, although they shall enjoy complete liberty of conscience, shall participate in the enjoyment of the general rights of Citizens of the State, to such an extent only as the same is secured to them in the Organic Edict, relative to their reception into the Community at large.

The property of beneficed Foundations, and the enjoyment of their Revenues, according to the original Documents by which they were established, and according to the due and legal possession of them, shall be completely secured to every denomination of religious professions, without any exception, whether such Foundations have been instituted for education, or for religious or charitable purposes.

The Spiritual Authorities shall never be impeded within their peculiar sphere of action, and the Temporal Administration shall on no account interfere in the purely spiritual matters of the doctrines of religion and of conscience, except in so far as the supreme right of protection, and of superintendence, vested in the Sovereign, are concerned; according to which right no Ordinances and Laws of the Ecclesiastical Authorities are to be promulgated and carried into execution, without being previously submitted to the King and receiving His Majesty's *Placet*.

The Churches, and the Spiritual Officers attached to them, are, in their civil concerns and relations, as also with reference to the property

belonging to them, subject to the Laws of the State and to the Temporal Tribunals; and they can in no respect claim exemption from sharing the public burthens of the Kingdom.

The other stipulations relating to the outward judicial relations of the Inhabitants of the Kingdom in matters of religion, and to Ecclesiastical Communities, are contained in detail in the Special Edict to be appended to the present Constitutional Charter.

X. The whole property of Foundations instituted for the 3 objects of religion, education, and charity, shall be placed under the immediate protection of the State, and shall not, under any pretence whatever, be included with the public property in any financial arrangements, or be alienated or appropriated to other than the 3 objects already mentioned, without the consent of all the Parties interested, and, in the case of the Public Chartered Establishments, without the approbation of the Estates of the Kingdom.

XI. The freedom of the Press and of the Book-trade shall be secured, under the Regulations of the Special Edict which is to be issued upon the subject.

XII. Every Bavarian shall be equally bound to perform military duty, and to serve in the Corps that may be specially raised for the defence of the Country, and for employment only within the limits of the same, agreeably to the existing Laws upon this subject.

XIII. The participation in the public burthens of the State shall be general for all the Inhabitants of the Kingdom, without exception of any particular grade, and without regard to any special exemptions which were formerly enjoyed.

XIV. All Bavarians shall be at liberty to emigrate to any other State belonging to the Germanic Confederation, which it can be proved is willing to receive them as Subjects; and also to enter into the military and civil service of such State; provided that they have fulfilled their engagements towards the Country of their birth.

They shall not, however, so long as they remain Subjects of Bavaria, accept either pay or honorary distinctions from a Foreign Power, without the express permission of their own Sovereign.

TITLE V.—*Of peculiar Rights and Privileges.*

ART. I. The Crown Appointments, being the principal Posts of honour in the Kingdom, shall be conferred as Feudal Tenures held of the Throne, either for the life of the Persons who are to enjoy them, or with reversion to their male heirs, according to the right of Primogeniture, and of regular lineal hereditary descent from the common Ancestor of the Family.

The Crown Officers shall, by virtue of their Royal Appointments, be Members of the First Chamber of the Assembly of the Estates.

II. The Princes and Counts who were formerly Members of the

Estates of the German Empire shall be secured in the enjoyment of all those privileges and rights which are described in the Special Edict, determining their relative position and circumstances, which is to be appended to the present Constitutional Act.

III. Those of the Nobility who were formerly immediate Nobles of the Empire, and are now subject to the Sovereignty of Bavaria, shall enjoy all the rights which, in conformity with the Royal Declaration on the subject, are secured to them in the Constitutional Act.

IV. All the other Nobility of the Kingdom shall, like every individual possessor of a domain, retain the rights appertaining to them as Proprietors of Domains, according to the legal enactments on the subject contained in the Edict to be appended to the present Constitutional Act.

They shall, moreover, enjoy the following privileges :

1. The exclusive right of exercising a certain jurisdiction within the limits of their domains, under the provisions of a Special Edict to be issued for the purpose, and to be appended to the present Constitutional Act.

2. The right of establishing family entails upon their landed property, according to the Edict to be appended to the present Constitutional Act.

3. The right of recourse to special Judicial Tribunals in civil and in criminal cases, independently of the ordinary Courts of Justice of the Country.

4. The exercise of certain rights of verifying and issuing Documents under their own Seals, according to the restrictions contained in the Laws relating to Mortgages, defined in the Edict upon the subject, and which is to be appended to the present Constitutional Act.

5. The distinction that, on the occasions of Military Conscription, their Sons, as Noblemen, shall be entered as Cadets.

V. The Spiritual Councillors of the Principal Boards of Administration, as well as the Superior Functionaries who are in the same category with them, shall, in like manner, also enjoy, as regards their persons, the following privileges :

The Spiritual Councillors shall enjoy the same independent Judicial Tribunals, in civil and criminal cases ; and the Councillors of the Principal Boards of Administration and the Superior Functionaries shall enjoy, in addition thereto, the further right of verifying and issuing Documents under their own Seals, and also the above distinction on the occasions of Military Conscription.

VI. The relative position, with reference to their Services, and their claims to receive Pensions, of the Officers of State and Public Functionaries, shall be regulated according to the stipulations contained in the Pragmatic Law regarding the Services of Public Officers.

TITLE VI.—Of the Assembly of the Estates.

ART. I. The 2 Chambers of the General Assembly of the Estates of the Kingdom, shall consist of :

- a. The Chamber of Senators of the Kingdom.
- b. The Chamber of Deputies.

II. The Chamber of Senators of the Kingdom shall be composed of :

1. The Princes of the Royal House, who shall have attained their majority.

2. The Crown Officers of the Kingdom.

3. The 2 Archbishops.

4. The Heads of the Families of those Princes and Counts who were formerly Members of the Estates of the German Empire, as Hereditary Senators of the Kingdom; so long as they remain in possession of those Domains, situated in the Kingdom, by virtue of which they, or the original Possessors, belonged to the Estates of the Empire.

5. A Bishop, appointed by the King, and the President for the time being of the Protestant General Consistory.

6. Those Persons whom the King, on account of distinguished services rendered by them to the State, or on account of their birth or of their property, shall specially nominate as Members of this Chamber, either for the term of their natural lives, or with reversion to their heirs.

III. The King shall grant the right of inheriting seats in this Chamber, only to those noble Proprietors of Domains, who enjoy, to their fullest extent, the rights of Citizens of the State, and who possess landed property, which is subject to the conditions imposed upon fiefs and entails,—upon which are payable land and dominical taxes *in simple*, to the amount of 300 florins, and in possessing which, a lineal hereditary succession from the common ancestors of the family, according to the rights of primogeniture, is observed.

The dignity of an Hereditary Senator of the Kingdom, acquired with the Domains upon which the entail has been established, reverts in all cases to such Proprietor only as comes into possession of them according to this plan of hereditary succession.

IV. The number of Senators of the Kingdom, appointed for life, shall not exceed the third part of those whose seats are hereditary.

V. The Hereditary Senators of the Kingdom shall be admitted into the Chamber so soon as they have attained their majority; but they shall not be entitled to vote until the following periods: that is to say, the Princes of the Royal House, when they shall have attained the 21st, and the other Senators of the Kingdom, when they shall have attained the 25th, year of their age.

VI. The Chamber of Senators of the Kingdom shall be opened

only when one-half, at least, of all the Members belonging to it are present.

VII. The Second Chamber of the Assembly of the Estates shall be composed :

a. Of those Proprietors of Domains, who exercise a Seigneurial Jurisdiction by virtue of the possession of such Domains, but who have no seat or voice in the First Chamber.

b. Of the Deputies of the Universities.

c. Of the Spiritual Authorities of the Roman Catholic and Protestant Churches.

d. Of the Deputies of Cities and Towns.

e. Of such Landed Proprietors as are not included among those mentioned under the Letter *a.*

VIII. The number of the Members shall be regulated, in the aggregate, according to the number of Families in the Kingdom, in such proportion that 1 Deputy may be reckoned for 7,000 Families.

IX. Of the number determined according to this arrangement,

a. The Class of the Noble Proprietors of Domains shall appoint 1-8th part.

b. The Class of the Spiritual Authorities of the Roman Catholic and Protestant Churches, shall appoint 1-8th part;

c. The Class of the Cities and Towns shall appoint 1-4th part; and

d. The Class of the other Landed Proprietors, who do not exercise any Seigneurial Jurisdiction, by virtue of the possession of their Domains, shall appoint the remaining half of the Deputies.

e. Each of the 3 Universities shall, moreover, appoint 1 Member.

X. The number of Deputies shall be assigned to each separate Class, according to the Regulations contained in the Special Edict to be issued relative to the Assembly of the Estates; which Edict will be appended to the present Constitutional Act, and be distributed in the different Districts by the Executive Government.

XI. The Classes shall, in each Electoral Government District, choose the number of Deputies assigned to them, according to the Regulations contained in the Edict which is to be promulgated, for the whole term of the continuance of the Assembly, viz.—6 years. Those seats which become vacant in the course of that term, shall be filled up by the introduction of those Candidates at the last Election, who followed immediately after the successful Members elected, in respect of the number of votes.

XII. Each Member of the Chamber of Deputies must, without reference to the circumstances of his rank or employment, be a free Citizen of the State, have completed the 30th year of his age, and be in the absolute enjoyment of such a property, situate in the District

or Locality concerned, as ensures him an independent maintenance, and is fixed upon, for the purpose of qualification, according to the amount of his annual Taxes, in the Special Edict to be issued upon this subject.

He must, moreover, belong to one of the 3 Christian Religions, and must never have been subjected to any personal Trial, on account of any crime or misdemeanor, of which he was not completely acquitted by the Tribunal.

XIII. There shall be a new Election of Deputies every 6 years, and at no other time, excepting only when the Chamber is dissolved by the King.

The Members who retire, on either of the above occasions, may be re-elected.

XIV. Members already appointed, shall retire, during the period of the existence of the Assembly ;

1. If, from any cause whatever, they shall cease to possess the real Property, Seigneurial Jurisdiction, Spiritual Benefice, or other qualification, in the particular District or Class for which their Claim to be elected was specially established; provided that they have not acquired another equal qualification in the same or some other District or Class; or

2. If they shall, in the mean time, forfeit, or no longer possess, one or other of the qualifications mentioned in Article XII, which are indispensable to their eligibility.

In these cases, the Chamber of Deputies shall decide, according to the information submitted to it, and after hearing the Party interested.

XV. The presence of at least 2:3rds of the Members elected shall be required, in order legally to constitute the Chamber of Deputies.

XVI. The Chamber of Senators of the Kingdom shall be convoked, assembled, and closed, at the same time as that of the Deputies.

XVII. No Member of the First or of the Second Chamber shall be allowed to be represented, in the Sitzings, by any Person, as his Substitute.

XVIII. All the Propositions relative to the Imposts of the State, shall, in the first instance, be submitted by the Government to the Chamber of Deputies, and afterwards by that to the First Chamber.

All other Government Propositions may be presented, in the first instance, either to the First or to the Second Chamber, agreeably to the command of the King.

XIX. No Proposition, which ought to be deliberated and decided upon by the Two Chambers of the Kingdom, shall be discussed in one Chamber alone, and acquire thereby the same force and effect as if it had obtained the legal approbation of both Chambers of the Estates.

TITLE VII.—*Of the Functions and Attributes of the Assembly of the Estates.*

ART. I. The 2 Chambers shall enter into discussion, only upon those subjects which belong to their immediate sphere of action, and are described in the following Articles, numbered from II to XIX.

II. No new Law, of a general nature, which affects the personal freedom or the property of the Subjects of the State, shall be enacted, and no existing Law shall be amended, or authentically interpreted, or repealed, without the advice and approbation of the Estates of the Kingdom.

III. The King shall obtain the consent of the Estates, to the levying of any direct Taxes, to the imposition of any new indirect Duties, or to the increasing or alteration of those already existing.

IV. There shall, therefore, be laid before the Estates, after the opening of the Chambers, a detailed Estimate of the sums required to meet the exigencies of the State, and also of the whole of the Public Income (Budget): these Estimates shall be examined by a Committee; and after its Report, the Chamber shall proceed to consider what Taxes ought to be levied.

V. Those direct Taxes which will be required to meet the regular and ordinary Expenditure of the State, and the Payments which can with certainty be anticipated, including the necessary Reserve-Fund, shall in all cases be voted for 6 years.

In order, however, to prevent any inconvenience to the pecuniary operations of the State, the same Taxes shall continue to be levied, during the financial year in which the first Assembly of the Estates is to be convoked, which were levied in the previous financial year.

VI. At the period of one year before the expiration of the term for which the regular Expenditure shall have been settled; viz., 6 years, the King shall cause a new Budget, applicable to the 6 years which will follow that term, to be laid before the Estates.

VII. In case the King should be prevented, by external relations of an extraordinary character, from convoking the Estates, during the last of the 6 years for which the ordinary Taxes shall have been voted, he shall have the power of ordering that the levying of those Taxes, so voted, be continued for another half-year.

VIII. In the case of any extraordinary and unforeseen emergency, or of the existing Income of the State being insufficient to meet the Expenditure of it, the circumstances connected therewith shall be represented to the Estates, in order that they may vote the necessary additional Imposts.

IX. The Estates shall not be at liberty to connect with the grant of Taxes, the performance of any irrelevant conditions.

X. A detailed Account, shewing the appropriation of the Public Income, shall, every Session, be laid before the Estates.

XI. The whole of the Public Debt of the State shall be placed under the guarantee of the Estates.

The consent of the Estates of the Kingdom shall be obtained, previously to the contracting of any new Public Debt, by which the amount of the then existing Debt is increased, either by Capital or by the Interest payable thereupon.

XII. Such an increase of the Public Debt of the State, as that just alluded to, shall be made in the case only of urgent and extraordinary National exigencies, which cannot be met by the ordinary and extraordinary contributions of the People, without pressing too heavily upon them, and which really tend to promote the true interests of the whole Country.

XIII. The Plan for the extinction of the National Debt shall be submitted to the Estates, and no alteration shall be made in that Plan, after it has been approved of by them, without their concurrence. Moreover, the Taxes which are specially destined for the extinction of the Debt, shall on no account be appropriated to any other object.

XIV. Each of the 2 Chambers shall nominate 1 of its Members as a Commissioner, and the 2 Commissioners so nominated shall conjointly take minute cognizance of all the transactions of the Royal Commission for the extinction of the Public Debt, and shall take care that the established rules are strictly complied with.

XV. On extraordinary occasions, when threatening dangers from without imperatively require the obtaining of Capital by means of Loans, and the convocation of the Estates is rendered impossible by external circumstances, the 2 Commissioners to be appointed, as above, shall be authorized to give their consent to such Loans, provisionally, in the name of the Estates.

But, so soon as it is practicable to convoke the Estates, the whole particulars of the Transaction relative to the raising of such Capital shall be laid before them, in order that the additional Debt so contracted may be inscribed in the Register of the Public Debt of the State.

XVI. A detailed Account of the state of the Fund for the extinction of the Public Debt of the State, shall, every Session, be presented to the Estates.

XVII. No alienation, or application, to other than their original purposes, of the Property belonging to Public Institutions, shall take place without the consent of the Estates.

XVIII. In like manner, no grants of Public Domains, or of Public Revenues, as rewards for great and decisive services rendered to the State, shall be made without the consent of the Estates.

XIX. The Estates shall enjoy the right to submit to the King, in a suitable form, their common opinions and propositions, with reference to all matters which come within their immediate sphere of action.

XX. Each Member also shall have the right to bring forward, in the Chamber to which he belongs, his opinions and propositions with reference to such matters, and the Chambers shall decide, by a majority of Votes, whether or not the proposition shall be taken into consideration, and, if the question be decided in the affirmative, the proposition shall be submitted to a Committee, in order that they may examine and make a Report thereupon.

The Resolutions which may be passed upon such Propositions by either Chamber, shall be communicated to the other Chamber, and cannot be laid before the King, until after they have received the assent of the latter Chamber.

XXI. Each individual Citizen of the State, as also every Community, shall be at liberty to address to the Assembly of the Estates, Complaints respecting the violation of the rights guaranteed by the Constitution, and may submit them to either of the 2 Chambers, which shall examine them by means of the Committee appointed for the consideration of such matters; and should the Committee report them to be deserving of notice, they shall be taken into consideration accordingly.

If the Chamber should decide, by a majority of Votes, that a Complaint is well founded, it shall communicate to the other Chamber the Proposition which is to be made upon the subject to the King, and if the latter Chamber should coincide with the former Chamber in the Proposition, it shall be made the subject of a joint Representation to His Majesty.

XXII. The King shall convoke the Estates, at least once in every 3 years.

The King shall open and close the Assembly, either in his own person, or by a Special Commissioner to be appointed for this purpose.

The regular Session of the Assembly shall not continue longer than 2 months; and the Estates shall be bound to take into consideration, during their Sitzings, those subjects which are submitted to them by the King, previously to discussing any others.

XXIII. The King shall, at all times, have the right to prolong or to prorogue the Session, or to dissolve the Assembly.

In the last mentioned case, the new Election of the Chamber of Deputies shall take place within at least 3 months afterwards.

XXIV. The Ministers of State shall have a right to be present at the Sitzings of either Chamber, even although they be not Members of either of them.

XXV. Each Member of the Assembly of the Estates shall take the following Oath:

“I swear to be faithful to the King, and to the Laws, to observe and maintain the Constitution of the State, and, in the Assembly of the Estates, to advise only that which is for the general advantage

and well-being of the whole Kingdom, without reference to particular grades or classes of Society, according to my real and sincere conviction. So help me God and his holy Gospel !”

XXVI. No Member of the Assembly of the Estates shall be arrested, during the continuance of their Sittings, without the consent of the Chamber to which he belongs, except in the case of his being apprehended in the act of committing a penal offence.

XXVII. No Member of the Assembly of the Estates shall be called to account for the opinion which he may have given in his Chamber, except by the Chamber itself, in conformity with the order by which its proceedings are regulated.

XXVIII. A Proposition, upon which the 2 Chambers do not concur, shall not be brought forward a second time for discussion, during the same Session.

XXIX. The determination of the King, upon the Propositions of the Estates of the Kingdom, shall not be made known at different periods upon each subject singly ; but his decisions upon all the subjects which may have been submitted to him during the Session, shall be declared at one and the same time ; viz. at the closing of the Assembly.

XXX. The King alone shall sanction the Laws ; and shall promulgate them, with his own signature attached thereto, and with the announcement, that they have been duly examined by the Council of State, and have been submitted for the advice, and received the assent of his true and faithful Servants, the Estates of the Kingdom.

XXXI. If the Assembly of the Estates of the Kingdom shall have been adjourned, or formally closed, or dissolved, the Chambers shall not lawfully continue their deliberations, and every subsequent transaction shall be illegal.

TITLE VIII.—*Of the Administration of Justice.*

ART. I. Justice shall emanate from the King.

It shall be administered under his supreme controul, by a suitable number of Tribunals and Superior Courts of Judicature ; according to a legal Regulation which shall determine the extent of the jurisdiction of each.

II. All the Courts of Judicature shall be bound to affix to their Decrees the grounds of their decisions.

III. The Courts of Justice shall be independent within the limits of their official jurisdiction ; and no Judge shall be suspended from his appointment, with the loss of salary, or be dismissed from the same, except in virtue of a judicial Sentence.

IV. The King shall be at liberty, in criminal cases, to grant pardon, and to mitigate or entirely remit punishment ; but he shall on no account interfere, so as to stop in any shape a matter depending in

dispute or an investigation which has been commenced and is still in progress.

V. The Fiscal Officer of the Crown shall, in all matters of contention affecting private rights, proceed at Law in the Royal Courts of Judicature.

VI. The confiscation of property shall not take place in any other case than that of desertion.

VII. There shall exist for the whole Kingdom, only one Code of Civil and Criminal Laws.

TITLE IX.—*Of the Military Organization.*

ART. I. Every Bavarian shall be in duty bound to co-operate in the defence of the Country, according to the Laws which may exist on the subject.

The Clergy shall be exempt from the obligation to bear arms.

II. For the proper protection of the State, there shall be a Standing Army, which shall be kept up to its proper complement by the general military conscription, and shall be also suitably maintained in time of Peace.

III. In addition to this Army, there shall also be Reserve-Battalions; and a Special Force, (*Landwehr*) for the defence of the Country, and for the performance of Military Services, exclusively within the Kingdom.

IV. The Reserve-Battalions shall be appointed to re-inforce the Standing Army, and, upon a public summons from the Sovereign, shall participate with it in all its duties, honours, and privileges.

The Men composing the Reserve-Battalions, shall respectively remain at their own homes during Peace, and, excepting for the time required for military exercise, free from every compulsory military duty, and subject merely to Civil Jurisdiction and to the Civil Laws, without being prevented from changing their places of residence, from marrying, or from obtaining a regular domicile.

V. The Special Force (*Landwehr*) for the defence of the Country, shall enter into active military service, in order to increase the strength of the Army, when it shall have been re-inforced by the Reserve-Battalions, upon a summons being issued by the King for this purpose; but their services shall, nevertheless, not extend beyond the Limits of the Kingdom.

In order that this Force may be strictly employed in the manner intended, it shall be separated into 2 Divisions, the second of which shall include those Individuals who are incapable of active marching service, and who shall not in any case be employed beyond its own district.

[1817—18.]

In time of Peace, also, the *Landwehr* shall co-operate in the maintenance of internal security, so far as may be necessary, should the Troops which are appointed to this duty be insufficient for that purpose.

VI. The Army shall be organized to serve against a Foreign Enemy; and it shall be brought to act within the Country, only on those occasions when the Military Authorities are formally called upon for that purpose by the competent Civil Powers.

VII. The Military shall be subject to martial law in all matters relating to their duty as Soldiers, and also in respect of their crimes or misdemeanors; but in actual Suits at Law and in those of a mixed nature, they shall be subject to the Civil Tribunals of Justice.

TITLE X.—*Of the Security of the Constitution.*

ART. I. The King, upon his Accession to the Throne, shall take the following Oath in a solemn Assembly of the Ministers of State, and of the Members of the Council of State; and, if the Estates should be assembled at the time, also of a Deputation of that Body:

“ I swear that I will govern according to the Constitution and the Laws of the Kingdom; so help me God and his holy Gospel !”

A formal Act, containing this Oath of the King, shall be prepared, and shall be deposited among the Archives of the Kingdom; and certified Copies of it shall be communicated to the Assembly of the Estates.

II. The Person, who may be called to the temporary administration of the Government, shall, with reference to the maintenance of the Constitution, take the Oath prescribed in the XVIth Article of Title II.

All the Princes of the Royal House shall, in like manner, after they have attained their majority, swear that they will strictly observe the provisions of the Constitution.

III. All Citizens of the State shall, upon being domiciled, and upon the occasion of a general Act of Homage on the part of the Nation, and also all Public Officers shall, upon their appointment, subscribe the following Oath:

“ I swear that I will be faithful to the King, that I will obey the Laws, and that I will observe the Constitution of the State; so help me God and his holy Gospel !”

IV. The King's Ministers of State, and all the Public Officers, shall be responsible for their strict observance of the Constitution.

V. The Estates shall have the right to prefer their complaints of any violation of the Constitution, committed by the Royal Ministers of

State or by other Public Functionaries, in a joint representation to the King; and His Majesty shall either immediately remedy the grievance complained of, or, if any doubt prevail upon the subject, shall cause the complaints to be thoroughly investigated and decided upon, according to the nature of the circumstances, by the Council of State, or by the Supreme Court of Judicature.

VI. If the Estates should consider themselves called upon by a sense of their duty to institute a formal Accusation against a superior Officer of the State, the particulars of the charge shall be distinctly specified, and shall be examined in both Chambers by a Committee to be specially appointed by each of them.

If both Chambers should afterwards agree in their Resolutions upon the subject of the Accusation, they shall present the same in the prescribed form to the King, together with all the Documents relating thereto.

His Majesty shall then immediately submit the consideration of the matter to the Supreme Court of Judicature; from the Members of which, in the event of an appeal being made by the Accused, a Court of Second Instance shall be formed, in order that it may be decided upon by that Court, and, after Judgment shall have been pronounced, the King shall communicate the same to the Estates.

VII. Alterations in the enactments contained in the Constitutional Act, or additions thereto, shall not be made without the consent of the Estates.

The propositions to be submitted for this purpose shall emanate from the King alone; and it is only on the occasions when His Majesty himself shall have submitted them to the Estates, that they can deliberate respecting them.

The presence of at least 3-4ths of the Members belonging to the Assembly, in each Chamber, and a majority of 2-3rds of the votes, shall be required, in order to arrive at a legal and valid resolution upon this most important affair.

Whilst we hereby promulgate the above Fundamental Law of the State, in order that it may be generally observed and strictly complied with in all its contents, including the Edicts which are Supplementary to the same, and described in the principal Act as Appendices thereto, We at the same time further declare and order, that the Assembly of the Estates therein organized shall be summoned to meet on the 1st January 1819, for the due exercise of all those rights which appertain to its peculiar sphere of operation; and that, in the mean time, the necessary preliminary measures for this purpose shall be adopted.

Given at Munich, our Capital and City of Residence, on the 26th of May, 1818, in the 13th year of our Reign.

(L. S.) MAXIMILIAN JOSEPH.

COUNT VON REIGERSBERG.

PRINCE VON WREDE.

COUNT VON TRIVA.

COUNT VON RECHBERG.

COUNT VON THURHEIM.

BARON VON LERCHENFELD.

COUNT VON TORRING.

By command of His Majesty the King :

EGID VON KOBELL,

Royal Councillor of State, and Secretary General.

DISCOURS du Ministre des Finances de la Russie, prononcé à l'Ouverture du Conseil des Etablissements de Crédit.—A St. Pétersbourg, le 22 Février, 1818.

(Traduction.)

LE Conseil des Etablissements de Crédit, en vertu du Manifeste du 7 Mai, 1817, et du Règlement qui y est annexé, a tenu sa 1ère Séance le 22 Février, 1818, sous la présidence du Conseiller Privé Actuel de la 1ère Classe, le Prince Lapouchin. Les Membres permanens de ce Conseil qui y ont assisté, sont M.M. le Conseiller Privé Actuel Gourieff, Ministre des Finances, et le Conseiller Privé Baron de Kampenhausen, Contrôleur Général de l'Empire,—le Conseiller Privé et Sénateur Prince Schakovskoy, remplissant les fonctions du Maréchal de la Noblesse de St. Pétersbourg, absent. Les Membres élus du Corps de la Noblesse, sont M.M. le Grand Veneur Narischkin, le Général-Major Moller, le Conseiller Privé et Sénateur Comte Chvostoff, le Conseiller de Collège Baron Tscherkassoff, et le Général-Major Adadouff. Le Prévôt des Marchands de St. Pétersbourg Joukoff, et les Membres élus du Corps des Marchands, faisant également partie de ce Conseil et présens à la Séance, étoient M.M. le Conseiller de Commerce, Molwo, le Marchand de Vitegorsky de la 1ère Guilde, Golachewsky, le Conseiller de Commerce Kousoff, le Conseiller de Cour Scherbakoff, le Marchand de Narva de la 1ère Guilde, Meyer.

La Séance a été ouverte par la lecture du Manifeste et du Règlement du Conseil des Etablissements de Crédit.

Le Ministre des Finances a lu ensuite l'Exposé imprimé ci-après, de la marche successive de notre système de crédit et de sa situation actuelle. Après ce Discours, les Directeurs de la Commission d'Amor-

issement de la Banque des Assignations, et de la Banque d'Emprunt, ont présenté au Conseil leurs Comptes rendus pour l'année 1817.

Le Conseil, après les avoir entendus, a désigné, en vertu de l'Article XIII de son Règlement, un Comité pour la révision de chacun de ces Etablissements, sous la Présidence du Contrôleur-Général de l'Empire, et composé du Conseiller-Privé et Sénateur Comte Chvostoff, du Général-Major Adadouff, du Conseiller de Commerce Molwo, et du Marchand de Vitégorsky de la 1^{ère} Guilde, Golashevsky.

On fera connoître dans la suite le résultat des opérations subséquentes du Conseil.

Messieurs,

C'EST par la volonté de l'Empereur et par le choix de la Noblesse et du Corps des Marchands, que vous êtes appelés au Conseil des Etablissements de Crédit, qui s'ouvre aujourd'hui ; en vertu du Règlement confirmé par Sa Majesté Impériale, le 7 Mai, 1817. ,

Comme intermédiaires entre le Public et les Personnes dirigeant ces Etablissements, il vous appartient d'examiner et de vous assurer si les Règlemens qui leur sont prescrits, ont été exactement observés.

Mais avant de procéder à l'examen de leur gestion et des Comptes qu'ils ont à vous rendre, permettez moi, Messieurs, de vous présenter un aperçu de la marche successive de notre système de crédit et de sa situation actuelle.

Les Banques Impériales ont été établies dans le cours des 50 dernières années du siècle passé. Les Caisses de secours qui avoient existé jusqu'alors sous diverses dénominations, étoient dirigées vers un but louable ; mais, restreintes dans leurs moyens, entravées dans leurs opérations, elles sont demeurées, par la lenteur et la difficulté des reviremens, qui résultoient du défaut de papier de crédit, bien en arrière du degré de perfection auquel les avoit appelées la profonde sagesse de l'Impératrice Catherine. L'établissement des Banques a eu une influence bienfaisante qui s'est répandue dans tout l'Empire.

Les reviremens d'argent sont devenus plus prompts, l'amour du travail a reçu de nouveaux encouragemens, l'industrie s'est réveillée de son engourdissement, le commerce s'est ranimé, les sources de la richesse nationale se sont ouvertes avec profusion et ont fait les progrès les plus rapides. Le crédit des Banques, en s'accroissant successivement, a fini par y attirer des capitaux Etrangers considérables. Les Caisses de la Banque d'Emprunt et des Lombards se sont enrichies des dépôts que les Capitalistes des autres Pays y ont apportés.

Ces richesses nouvelles, en se répandant successivement dans l'Empire, y ont développé de nouvelles forces productrices et fait naître, croître et multiplier d'immenses capitaux parmi nous.

L'invariabilité des principes, et la conviction morale qu'ils seront rigoureusement observés, sont la base la plus essentielle du crédit.

Cette conviction qui est le résultat de l'expérience fait depuis tant d'années de l'exactitude avec laquelle les Banques ont rempli leurs engagements envers le Public, depuis le moment de leur institution, a eu l'heureux effet de soutenir leur crédit, même à l'époque critique de 1812. Si la Banque d'Emprunt, cédant à des circonstances impérieuses, a suspendu ses avances vis-à-vis des particuliers, du moins les capitaux qui y étoient placés et qu'on a redemandés, n'ont pas cessé un instant d'être restitués à leurs Propriétaires, et la modicité des sommes retirées alors, prouve que les besoins réels en étoient plutôt la cause que la diminution de la confiance.

Le Gouvernement n'a pas mis moins de sollicitude à soutenir son crédit dans les Emprunts de l'Etat.

Nous avons acquitté sous le Règne de l'Empereur l'Emprunt fait à Gènes, à une époque où la politique auroit pu justifier peut-être quelques délais dans l'exactitude de nos payemens.

Les intérêts de la Dette d'Hollande n'ont jamais cessé d'être payés exactement. On avoit même commencé depuis 1810 à rembourser le capital. Obligés en 1812 de suspendre nos payemens, non-seulement nous les avons repris dès que la paix a été conclud, mais nous avons bonifié les intérêts pour des retards que la force des circonstances avoit rendus aussi involontaires qu'indispensables.

L'Emprunt de l'ancienne Commission d'Amortissement a été acquitté même avant le terme d'échéance et d'après la convenance de ceux qui y avoient placé leurs fonds.

C'est ainsi que nous avons soutenu notre crédit après une guerre nationale, non moins pénible que glorieuse.

A présent, Messieurs, je porterai votre attention sur les mesures adoptées l'année passée pour étendre et affermir le système de crédit, mesures qui font époque dans l'administration de nos Finances.

En affaires d'Etat, les leçons du tems sont toujours les meilleures.

En dévoilant à l'œil observateur du Gouvernement les parties foibles et surannées de ses institutions, il découvre les moyens de les réparer, de les refondre et de les perfectionner. De nouvelles découvertes changent la nature des objets mêmes en administration; ce qui avoit paru inutile ou impossible, devient possible et même indispensable après de nouvelles réflexions, amenées et confirmées par l'expérience.

C'est surtout au système de crédit que cette vérité peut être appliquée d'une manière plus sensible. Les opinions des Hommes d'Etat les plus distingués ont été longtems sans pouvoir s'accorder sur les bases de ce système; enfin les essais entrepris par 2 des Nations les plus éclairées de l'Europe, et les succès brillans dont ils ont été couronnés, ont mis la vérité à découvert et fixé les principes sur lesquels ce système doit se baser.

Convaincu des avantages immenses que le crédit peut procurer à

la Nation, l'Empereur a jugé convenable de faire rédiger sur ces principes les Règlements relatifs à nos Etablissements de Crédit ;—et quelle époque pouvoit nous offrir plus de chances de succès que le Règne d'Alexandre ?

Oui, Messieurs, tout nous a prouvé dans ces derniers temps, combien le crédit est devenu indispensable pour les Gouvernemens. Si en temps de Paix ils doivent s'imposer l'économie la plus sévère dans l'emploi de leurs revenus, pour ne point surcharger les Peuples d'impôts, quelles ressources pourroient être préférées à celles du crédit, pour subvenir à des dépenses extraordinaires en cas de Guerre ? Les Emprunts en rentes perpétuelles, avec un fonds d'amortissement progressif et toujours croissant, sont un véritable bienfait pour soulager les contribuables et ne point entraver les progrès de l'industrie qui toujours a besoin de capitaux. On n'est obligé de demander que la 12ème; tout au plus la 10ème partie de ce qu'il auroit fallu exiger de l'homme industriel, même de celui qui a le moins de ressources ; le reste est fourni volontairement par des capitalistes, qui sans doute auroient craint de venir au secours de particuliers, dont la fortune surchargée d'impôts disproportionnés à leurs moyens, n'aurait pu leur offrir la même sécurité.

Au milieu de la tranquillité dont nous jouissons, grâce aux bienfaits d'une paix solidement établie, des considérations particulières, mais non moins indispensables, ont déterminé le Gouvernement à ouvrir, l'année passée, un Emprunt dont le but est d'accélérer l'amortissement de la masse surabondante du papier monnoie.

Je n'entrerai point ici dans le détail de tous les inconvéniens qui résultent de cette surabondance ils sont trop sensibles et trop incontestables. En vertu du Manifeste du 1 Septembre, il a été assigné un capital annuel de 30,000,000, non-seulement pour l'amortissement de cet Emprunt, mais pour le service de tous ceux qui seront contractés dans le même but, qui est de rendre au signe représentatif de notre monnoie sa valeur réelle.

Des Capitalistes Etrangers ont pris une part considérable dans cet Emprunt, ce qui d'un côté prouve la confiance que nous leur inspirons, et nous procure de l'autre un avantage précieux, celui de laisser à nos Capitalistes la liberté de faire valoir leurs fonds d'une manière plus utile et de ne pas les forcer à leur donner une direction différente. Dès que notre industrie pourra se passer de secours étrangers, la concurrence de nos Capitalistes deviendra plus sensible.

En attendant, nous ne devons pas nous priver de l'avantage d'amortir nos assignations par des Emprunts, ni enlever aux Capitalistes Russes, des ressources qui leur sont nécessaires.

Tels ont été, Messieurs, les motifs qui ont guidé le Gouvernement dans l'établissement de la nouvelle Commission d'Amortissement ; son intention a été d'abord de fonder les Dettes de l'Etat et d'en régulariser

le paiement, afin de consolider de plus en plus la confiance si bien méritée qu'il a acquise, et d'établir en même temps le système d'Emprunts, reconnu le meilleur pour accélérer l'amortissement des assignations et s'assurer des secours extraordinaires dans les cas urgens.

Le Compte que la Commission va vous rendre vous prouvera, Messieurs, qu'elle a répondu à l'attente du Gouvernement. L'Emprunt ouvert le 1er Juillet de l'année dernière, a déjà produit une recette de 28,000,000 de roubles, sans aucun effort de notre part.

Depuis que l'Emprunt a été fermé, nos inscriptions n'ont pas été au-dessous du taux auquel elles ont été délivrées; elles ont successivement monté dans l'espace d'un mois, jusqu'à 87, ce qui offre $6\frac{1}{2}$ pour cent de bénéfice.

Le produit de l'Emprunt, joint aux autres capitaux destinés l'année dernière au même emploi, forme une somme de 38,000,000, qui se trouvent retirés maintenant de la circulation.

Cette somme est suffisante pour la première année de nos opérations, dont le but est de réduire graduellement la masse des assignations jusqu'à la proportion nécessaire pour notre circulation. Le Gouvernement croit devoir procéder dans cette occasion avec circonspection et même avec une espèce de lenteur; en évitant par cette marche prudente, les embarras et les secousses qui résulteroient pour l'Etat comme pour les fortunes des particuliers d'une diminution trop accélérée, on n'en atteindra pas moins le but qu'on s'est proposé.

Les comptoirs d'escompte qui jusqu'à cette année formoient une dépendance de la Banque des Assignations, escomptoient les lettres de changes et faisoient des avances sur des dépôts de marchandises. Les capitaux qui leur avoient été confiés pour ces opérations, étoient loin d'être proportionnés à l'étendue des reviremens de commerce, et leur organisation necessitoit plusieurs changemens et améliorations. On a donc jugé convenable de les remplacer par la Banque de Commerce, à laquelle on a donné un capital plus considérable, et quelques nouvelles attributions conformes au but de cet Etablissement.

Cette Banque a été ouverte le 1er Janvier de cette année.

Celle des assignations vous présentera, Messieurs, dans le Compte qu'elle doit vous rendre, les reviremens des capitaux confiés aux comptoirs d'escompte pendant l'année passée, ainsi que les opérations des comptoirs chargés d'échanger les vieux billets contre de nouveaux.

La Banque d'Emprunt n'ayant encore reçu l'organisation déterminée par le Manifeste du 7 Mai, n'a pu offrir à l'industrie agricole et manufacturière les secours qu'elle réclame. On s'en occupe au Ministère des Finances, et elle sera soumise dans la suite à votre examen.

En parcourant les Comptes qui seront mis sous vos yeux par les établissemens de crédit que la Loi réunit sous votre surveillance,

J'espère, Messieurs, que vous aurez lieu de vous convaincre, que l'administration ne s'est point écartée de la route qui lui étoit tracée.

Si à la suite de cette révision, vous vouliez nous éclairer de vos observations, nous les recevrons avec reconnaissance. Animés d'un même zèle pour l'accomplissement des vœux bienfaisantes d'un Monarque occupé sans cesse du bonheur de ses Sujets, nous devons être également pénétrés de l'idée, que la confiance ne se commande pas par l'autorité et la puissance du Gouvernement, mais qu'elle se soutient par son exactitude à observer les règles établies, et que la conviction morale qu'il ne s'en écartera jamais, est l'ame et l'existence du crédit.

PROTOCOLS of Conferences, of the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, at the Congress of Aix-la-Chapelle.—October, November, 1818.

	1818. Page.
1. Protocol. French Pecuniary Indemnity	Aix, 3rd November. 1081
2. Protocol. Mediatised Powers of Germany	Aix, 7th November. 1081
3. Protocol. French Pecuniary Indemnity	Aix, 11th November. 1085
4. Protocol. Toll of Elsfleth	Aix, 14th November. 1085
5. Protocol. Evacuation of the French Territory.....	Aix, 15th November. 1086
6. Declaration. Political Arrangements with France....	Aix, 15th November. 1086
7. Protocol. French Pecuniary Indemnity	Aix, 19th November. 1086
8. Protocol. Precedency of Diplomatic Ministers	Aix, 21st November. 1090
9. Protocol. Suppression of Slave Trade.....	Aix, Oct. November. 1090

(1.)—*Protocole de la Conférence tenue à Aix-la-Chapelle, le 3 Novembre, 1818.*

[See Vol. 1818, 1819. Page 11.]

(2.)—*Protocole de la Conférence tenue à Aix-la-Chapelle, le 7 Novembre, 1818.*

MONSIEUR le Comte de Nesselrode a appelé l'attention de la Conférence sur le Mémoire, présenté aux Souverains et Ministres réunis à Aix-la-Chapelle, par les Princes Guillaume de Bentheim et Steinfurt, et George de Löwenstein-Wertheim, au nom et par autorisation des Princes et Comtes d'Allemagne médiatisés, réclamant l'exécution des Articles par lesquels l'Acte du Congrès de Vienne a déterminé les droits et prérogatives dont ils doivent jouir dans l'ordre actuel des choses, et notamment de celui qui leur a ouvert la perspective d'obtenir quelques voix collectives à la Diète Germanique.

M. le Prince de Metternich a fourni à la Conférence les éclaircissemens nécessaires pour faire connoître l'état présent de cette question. Il l'a traitée, tant sous le point de vue des rapports, qui, d'après l'Acte

de la Confédération Germanique doivent subsister entre les Souverains Membres de cette Confédération, et les Princes et Comtes Médiatisés, que sous celui de la position de ceux-ci vis-à-vis de l'ensemble du Corps Germanique.

Il a établi, à cet effet, les points de vues suivans :

1. L'Acte de la Fédération Germanique a été conclu par les Princes Souverains de l'Allemagne, et il a fait partie du Récès du Congrès. Le Pacte Fédéral est inviolable dans ses stipulations positives ainsi que le sont toutes les Transactions du Congrès de Vienne. La perte qu'ont faite les anciens Princes et Etats de l'Empire, médiatisés, de leur indépendance, a été sanctionnée par cet Acte. Il leur assure en échange, des prérogatives que les Princes Souverains ne sauroient ni restreindre ni altérer, sans enfreindre à la fois et l'Acte Fédératif et celui du Congrès.

Plusieurs Souverains de l'Allemagne ont rempli les engagements solennels qu'ils avoient contractés en faveur d'une classe qui constitue la Haute Noblesse de l'Allemagne, et qui est d'autant plus digne de tous les égards, qu'elle a été victime des événemens désastreux des derniers tems. La Prusse a donné, la première, cet exemple de justice; elle ne s'est pas bornée à assurer aux maisons médiatisées, placées sous sa Souveraineté, ce que leur accorde l'Acte Fédératif: elle est allée au delà de ses engagements.

Le Roi de Bavière a également rempli son engagement. Les Princes et Etats médiatisés devenus Bavarois en ont témoigné à Sa Majesté leur entière satisfaction.

Le Duc de Nassau s'est arrangé de gré à gré avec ses Médiatisés à la satisfaction des deux Parties.

Il y a cependant des Etats en Allemagne dans lesquels la condition des Médiatisés, loin d'être assise sur les principes que les Souverains de ces Pays ont eux-mêmes sanctionnés, n'a fait qu'empirer depuis 1815. Les plaintes des maisons médiatisées, placées sous ces Souverainetés, sont non seulement fondées en droit, mais elles sont de nature à réclamer, tant sous le point de vue de la justice que sous celui de la prudence, qu'il leur soit porté remède.

L'Empereur d'Autriche a cru devoir énoncer vis-à-vis de la Confédération, avant la clôture de sa dernière Session, ses sentimens de sollicitude à cet égard. La Diète a procédé de suite à la nomination d'une Commission chargée de l'examen de ces justes représentations. Elle ne tardera pas à faire son Rapport après l'ouverture de la nouvelle Session.

2. L'Acte Fédératif, Article VI, a établi aux Princes Médiatisés la chance d'être admis à voter à la Diète. Cette décision est réservée aux Princes Souverains, Membres de la Confédération Germanique.

Il résulte de cet état de choses :

1. Que les Princes et Etats de l'Empire, médiatisés, ont un plein

droit à être placés et maintenus par leurs Souverains respectifs dans la situation que leur garantissent l'Acte Fédératif et celui du Congrès; que par le même motif, il n'existe aucun droit pour ces Souverains de les tenir placés hors de cette attitude légale; que la justice ainsi que la prudence font une Loi aux dits Princes Souverains de ne point tarder d'avantage à remplir leurs engagements, et à écarter par ce fait le mouvement dans les esprits qui est la suite nécessaire de l'état actuel des choses; que les rapports des Médiatisés ayant été sanctionnés par toutes les Cours qui ont fait partie du Congrès de Vienne, ainsi que par l'universalité des Etats qui ont accédé à cet Acte, il en résulte, que, si les Médiatisés ont le droit de recourir en dernière instance à l'intervention et aux bons offices des Puissances, afin d'être placés dans la situation légale que leur établit le Récès du Congrès, il paroît cependant que les Puissances peuvent attendre les décisions prochaines de la Diète Germanique, en considérant celle-ci comme l'instance la plus naturelle et la plus à portée de juger de la véritable position des choses; qu'en attendant elles chargent néanmoins leurs Ministres près les Cours de Stutgardt, de Carlsruhe et des deux Hesses, de faire une démarche amicale et confidentielle envers ces Souverains, pour les engager à procéder vis-à-vis de leurs Médiatisés dans un esprit de justice qui, attendu leurs engagements solennels, ne pourra qu'être d'accord avec leurs propres intérêts.

2. La question de savoir, si on doit accorder quelques voix collectives aux anciens Etats de l'Empire Médiatisés, étant réservée, par l'Article VI de l'Acte de la Confédération, à la décision de la Diète, et étant remise à son libre arbitre, cette disposition ne peut être du ressort légal des Puissances.

La décision favorable de la question est vivement désirée par les Maisons Médiatisées; leur sentiment est unanime sur ce point. Et, en effet, la majeure partie des Princes et des Etats Médiatisés, non seulement ne sont ni moins nobles ni moins anciens que les Maisons actuellement régnantes; mais il en est qui se trouvent placés sous la Souveraineté de Princes qui n'ont pas même des moyens d'existence égaux à ceux de quelques uns de leurs nouveaux Sujets. Il suffit de citer la Maison de Furstenberg qui possédoit 10 fois plus de Sujets que celle de Hohenzollern Sigmaringen, et qui conserve encore aujourd'hui un revenu 10 fois plus considérable que ce Prince sous la Souveraineté duquel la Maison de Furstenberg est placée.

Si les Médiatisés ont perdu leur indépendance, du moins désirent-ils que les Princes leurs égaux en naissance, ne perdent pas ce souvenir de l'ancien lustre de leur Maison, et n'ayant pu sauver tous leurs droits utiles, il est naturel, qu'ils doivent tenir doublement à l'existence des prérogatives honorifiques. L'Article XIV de l'Acte Fédératif garantit aux Médiatisés leurs droits d'égalité de naissance avec les Maisons Souveraines; ils craignent que même cet Article ne finisse par tomber

en dessuétude si les souvenirs de leur existence indépendante et Souveraine, dont ils ne sont plus en possession, ne sont point constatés par une attitude déterminée et vivifiée par un état privilégié et publiquement reconnu. Il est enfin une autre considération qui fait vivement désirer aux Médiatisés de parvenir au droit de représentation à la Diète. Ils entrevoient dans cette admission un moyen assuré d'élever et de faire entendre leur voix en faveur du maintien des droits utiles que leur assure l'Acte Fédératif, et que la marche journalière du pouvoir dans les Etats isolés pourroit parvenir à miner et à anéantir. Leur crainte à ce sujet est incontestablement justifiée par la difficulté de faire exécuter dans plusieurs parties de l'Allemagne, l'engagement même sur lequel repose la fortune et l'existence des Médiatisés dans leurs nouveaux rapports de Sujets.

L'Empereur et le Roi de Prusse, animés du même esprit de bienveillance pour les Médiatisés, n'ont pas hésité à se prononcer de tout tems dans le sens le plus conforme à leurs Réclamations relativement à l'application de la réserve de l'Article VI. Mais la Loi ne pouvant être portée qu'à l'unanimité des Votans, il n'est que trop à craindre que les désirs de tant de victimes d'un bouleversement opéré par la seule tyrannie de Bonaparte, ne puissent se réaliser que très-difficilement. La conduite de l'affaire est délicate ; elle exige, même dans l'intérêt de son succès, de grands ménagemens ; le choix du moment où elle pourroit être traitée à Francfort ne peut être amené que par d'heureuses circonstances.

Il paroît à l'Autriche, que quoique les Puissances n'aient pas un droit d'intervention légale, il n'y auroit cependant pas moins d'utilité qu'elles voulussent charger leurs Ministres respectifs près des Cours d'Allemagne de réunir, le cas échéant, leurs bons offices aux soins que l'Autriche et la Prusse sont appelées en vertu de leur plein droit à faire valoir vis-à-vis de ces mêmes Cours. Il s'agiroit à cet effet de munir ces Ministres d'ordres éventuels desquelles ils n'auroient à faire usage qu'en suite de l'impulsion qui leur seroit donnée par leurs Collègues d'Autriche et de Prusse.

Messieurs les Plénipotentiaires, ayant tous été d'avis qu'il étoit juste de s'occuper des intérêts des Pétitionnaires, et d'assurer, par tous les moyens compatibles avec l'organisation fédérative de l'Allemagne, les droits réels et honorifiques qui sont restés aux Médiatisés après la perte de leur Souveraineté,—ont arrêté :

1. Qu'il soit adressé aux Ministres d'Autriche, de Grande-Bretagne, de Prusse et de Russie, accrédités auprès des Cours d'Allemagne, des Instructions énonçant le vœu des 4 Souverains, pour que les dispositions, qui ont réglé les droits et les rapports des Médiatisés dans les Etats de la Confédération Germanique, soient maintenues dans leur plénitude sans restriction ni modification arbitraire ; et autorisant lesdits Ministres à rappeler, là où il seroit nécessaire, que les Souverains qui ont signé

l'Acte du Congrès ont le droit et le devoir de veiller à l'exécution de cet Acte.

2. Que par les mêmes Instructions, les Ministres des 4 Puissances seront chargés d'appuyer auprès des Cours d'Allemagne le voeu des Princes et Comtes Médiatisés, d'obtenir des voix collectives à la Diète; et d'employer, le cas échéant, leurs bons offices pour que, moyennant les Instructions que les Cours d'Allemagne feront parvenir à Francfort, l'Article de l'Acte de la Confédération relatif aux voix à accorder aux Médiatisés, soit interprété et réalisé d'une manière conforme au nombre des Maisons qui doivent avoir part à cette prérogative, à l'étendue de leurs possessions actuelles, à leur ancienne position dans l'Empire, aux droits, qui, même dans le nouvel ordre des choses, leur ont été réservés pour l'avenir, et au bien-être général de l'Allemagne; l'exécution de cet ordre éventuel devant toutfois être réservée au moment où les Ministres d'Autriche et de Prusse donneroient l'impulsion à leurs Collègues.

METTERNICH.

HARDENBERG.

RICHELIEU.

BERNSTORFF.

CASTLEREAGH.

NESSELRODE.

WELLINGTON.

CAPODISTRIAS.

(3.)—*Protocole de la Conférence tenue à Aix-la-Chapelle, le 11 Novembre, 1818.*

[See Vol. 1818, 1819. Page 12.]

(4.)—*Protocole de la Conférence tenue à Aix la Chapelle, le 14 Novembre, 1818.*

(Extrait.)

M. le Comte de Bernstorff a lu le Projet de Protocole ci-joint sur l'Affaire du Péage d'Elsfleth dans ses rapports avec les réclamations du Duc d'Oldenbourg.

Ce Projet a été adopté à l'unanimité, et il a été arrêté en conséquence, que la démarche à faire auprès de la Diète Germanique seroit confiée aux Ministres des Cours résidens à Francfort.

M. le Prince de Metternich a pris en outre l'engagement de recommander les intérêts du Duc d'Oldenbourg, au nom de son Souverain, et de la manière la plus pressante au Ministre d'Autriche, président la Diète, et de l'inviter à prendre toutes les mesures propres à amener les résultats que la Conférence a envisagés, comme seuls propres à régler l'affaire du Péage d'Elsfleth, d'une manière satisfaisante pour toutes les Parties intéressées.

METTERNICH.

HARDENBERG.

RICHELIEU.

BERNSTORFF.

CASTLEREAGH.

NESSELRODE.

WELLINGTON.

CAPODISTRIAS.

(Annexe.)—Résolution de la Conférence.

Après avoir délibéré sur la Proposition faite par le Cabinet Russe relativement au Péage d'Elsfleth, Messieurs les Plénipotentiaires des 5 Cours, considérant :

Que d'un côté, le Duc d'Oldenbourg frustré par la force des évènements d'une partie considérable du bénéfice, que lui avoient assuré le Récès de l'Empire de 1803, et le Traité du 6 Avril de la même année, peut être regarder comme autorisé à réclamer une indemnité supplémentaire ; et

Que de l'autre côté, la décision d'une affaire qui a déjà provoqué de la part d'autres Membres de la Confédération Germanique, une plainte de lésion de droits et d'intérêts n'est pas de la compétence des Cabinets réunis :

Se sont unanimement accordé dans l'avis, qu'en conséquence de la réclamation que le Duc d'Oldenbourg a adressée à Sa Majesté l'Empereur de Russie, et que ce Monarque a fait soumettre à la Conférence, il convient aux 5 Cabinets de s'adresser à ce sujet au Président de la Diète Germanique, et de lui faire connoître, que les 5 Cours, bien qu'elles ne méconnoissent pas la force des argumens qui militent en faveur de la prétention du Duc d'Oldenbourg, que par conséquent Elles ne puissent que désirer que ce Prince soit maintenu pour quelques années de plus dans la possession du Péage d'Elsfleth, elles ont jugés qu'il n'appartient qu'à la Diète seule de décider la question, et d'aviser aux moyens de terminer par la voie d'une Commission Médiatrice, le différend qui s'est élevé au sujet de ce Péage entre le Duc d'Oldenbourg et la Ville de Brême.

(5.)—*Protocole de la Conférence, tenue à Aix-la-Chapelle, le 15 Novembre, 1818.*

[See Vol. 1818, 1819. Page 14.]

(6.)—*Déclaration des Plénipotentiaires des Cinq Cours, signée à Aix la Chapelle, le 15 Novembre, 1818.*

[See Vol. 1818, 1819. Page 18.]

(7.)—*Protocole de la Conférence tenue à Aix la Chapelle, le 19 Novembre, 1818.*

LES Maisons de Banque, avec lesquelles le Gouvernement Français a traité de l'exécution de ses engagemens pécuniaires, et dont le crédit universellement reconnu a déterminé les Cours Alliées, non seulement à accepter en paiement les Lettres de Change tirées sur ces Maisons par le Trésor de France, pour la somme de 165,000,000, restant à acquitter d'après l'Article VI de la Convention du 9 Octobre, mais encore à faire réaliser par leur entremise la somme de 100,000,000, valeur effective payable en Inscriptions de rente, d'après l'Article V de la même Convention, avaient déclaré, qu'elles pourraient effec-

tuer en 9 termes les différens payemens, dont elles se chargeaient ; et la position favorable de la place de Paris, à l'époque où cet arrangement eut lieu, les facilités qu'éprouvait la circulation, la valeur élevée des Rentes, et la perspective d'un surcroît de consolidation du crédit public, à la suite des transactions politiques les plus heureuses et les plus satisfaisantes pour la France, semblaient pleinement justifier l'opinion, que les termes proposés par lesdites Maisons de Banque, ne dépassaient pas la limite des moyens disponibles, et pouvaient être acceptés et maintenus sans aucun inconvénient, ni pour la France, ni pour les Puissances créancières.

Tel était l'état des choses lorsque la Convention du 9 Octobre fut signée. Mais dès les derniers jours du même mois, plusieurs symptômes, dont il était impossible de se dissimuler l'importance, avertirent le Gouvernement Français que, malgré l'étendue des ressources que les Banquiers, chargés de ses payemens, avaient à leur disposition, il serait difficile de réaliser ces payemens dans les délais stipulés, sans exposer directement la circulation de Paris et de la France, et indirectement celle de toute l'Europe commerçante, à de graves inconvénients. Quoique les charges pécuniaires, que le Traité du 20 Novembre 1815, avait imposées à la France, eussent été en très-grande partie acquittées par des reviremens de commerce, par des opérations de change, et par tous ces moyens artificiels, qui dans l'état perfectionné des communications réciproques des Pays, remplacent le numéraire effectif, il paraît cependant, qu'en dernière analyse une quantité assez considérable de ce numéraire a dû être nécessairement employée à solder la Balance de la France. A cette cause première de diminution dans la masse des valeurs circulantes, il en accéda d'autres dont les effets ne peuvent point être méconnus. Plusieurs des principaux Etats de l'Europe travaillent à substituer les valeurs métalliques au papier, qui jusqu'ici en avait rempli les fonctions. Les mesures adoptées dans ce but ont exigé une forte importation de numéraire ; et il est suffisamment avéré, que cette importation s'est en grande partie opérée par l'exportation de celui de la France. Des conjonctures momentanées, assez connues de ceux qui s'occupent particulièrement de ces objets, ont rendu cette diminution du numéraire plus sensible à l'époque même, où une nouvelle création de Rentes était annoncée par les Stipulations du Traité d'Evacuation. La Banque de France en a éprouvé les premiers effets. Ses fonds effectifs, naguères trop forts même pour ses besoins, ont été successivement entamés au point, que la loyauté et la prudence, bases essentielles de cet établissement, lui ont commandé de resserrer ses escomptes, et de restreindre par conséquent l'émission de ses billets. Il en est nécessairement résulté un redoublement d'embarras dans la circulation générale. Sous des circonstances qui auraient rendu désirable une augmentation de numéraire ou des signes qui le représentent, pour absorber les nouvelles

rentes qui allaient être versées sur la place, l'insuffisance des valeurs disponibles a été telle, que le prix même des rentes existantes n'a pas pu se soutenir à la Bourse. La baisse des effets publics s'est déclarée dans un moment où des causes exclusivement liées aux rapports pécuniaires, pouvaient seules expliquer un phénomène pareil, puisque toutes les causes politiques et morales, qui peuvent agir sur le crédit d'un Gouvernement, se réunissaient en faveur de la France; mais cette baisse une fois arrivée, un concours de circonstances secondaires, et surtout l'empressement irréfléchi, qu'un certain nombre de porteurs d'inscriptions ont mis à se défaire de celles qu'ils possédaient, a momentanément affaibli l'efficacité des mesures, par lesquelles le Gouvernement, et les maisons de commerce respectables, qui secondent ses opérations, seraient bientôt parvenus à ramener les choses à leur juste niveau.

Le contre-coup de ce qui s'est passé à Paris doit nécessairement se faire sentir dans les relations commerciales et pécuniaires des autres places Européennes; et si le mal n'est pas attaqué dans sa racine, aucun Pays ne sera à l'abri de ses effets. Ce serait se livrer à une illusion dangereuse, que de croire, qu'à proportion que le numéraire diminuerait en France, il abonderait dans les autres Pays. La totalité des opérations pécuniaires du monde civilisé, se fait au moyen d'une somme comparativement très-petite d'argent monnoyé. Ce qui détermine la rareté ou l'abondance de numéraire, est beaucoup moins sa quantité absolue, que le degré de facilité et de rapidité du mouvement qui le fait circuler. Mais aussitôt qu'une cause quelconque arrête ce mouvement dans un de ses principaux foyers, les affaires commerciales, les ressources de l'industrie, les transactions du change, le prix des effets publics, doivent s'en ressentir partout, et la stagnation qui se manifeste sur une des places centrales de l'Europe, doit inévitablement amener une stagnation plus ou moins générale. Aussi les embarras produits à Paris par la réduction des escomptes de la Banque, et le resserrement progressif de l'argent, sont-ils déjà simultanément sensible dans les opérations de toutes les autres places de commerce, et dans les fonds de tous les Gouvernements.

Indépendamment de ces considérations majeures, la valeur des effets publics de France a, dans l'époque actuelle, un intérêt particulier pour les Puissances qui ont eu part au Traité du 20 Novembre 1815, et à la Convention du 25 Avril 1818. Car ayant stipulé au nom de leurs Sujets, créanciers de la France, qu'ils recevraient le montant de leurs créances en Inscriptions sur le Grand-livre de sa Dette Publique, elles ne doivent négliger aucun des moyens à leur portée pour empêcher que les valeurs, que les Individus en question ont reçues ou vont recevoir, ne soient dépréciées; et les mesures que le Gouvernement Français peut adopter pour maintenir ou améliorer le cours de

ses inscriptions, ne sauraient par cette raison seule, être indifférentes pour les autres Etats.

Ayant sérieusement réfléchi sur cette position des choses, sur les inconvéniens nombreux qui naîtraient du déplacement subit d'une trop grande masse de numéraire, sur l'atteinte que porteraient aux intérêts commerciaux de tous les Pays, les opérations forcées, auxquelles les maisons de banque, chargées des payemens, seraient obligées d'avoir recours pour effectuer un déplacement pareil dans un espace de tems trop limité, le Gouvernement Français a proposé aux Puissances créancières, d'admettre dans les arrangemens convenus, les 2 modifications suivantes, savoir : 1°. Celle de prolonger à 18 mois les termes des payemens fixés à 9 mois par la Convention du 9 Octobre. 2°. Celle de donner aux maisons contractantes la faculté d'acquitter une partie de leurs engagemens en Lettres de Change sur certaines places hors de France, qui seraient spécialement déterminées.

Les Plénipotentiaires d'Autriche, de la Grande-Bretagne, de Prusse, et de Russie, ont fait de ces propositions l'objet d'un examen approfondi, et le résultat de cet examen les ayant conduits à reconnaître :

Que les modifications proposées n'altèrent en rien ni la nature, ni la solidité des engagemens primitifs, ni celles des garanties sur lesquelles reposent en dernière analyse toutes les stipulations pécuniaires de la Convention du 9 Octobre;

Que ces modifications ne sauraient affecter en aucune manière la confiance que les Puissances ont accordée aux maisons contractantes, attendu que ces maisons se sont déclarées prêtes à remplir leurs engagemens primitifs, si les Puissances le jugeaient nécessaire ou convenable;

Que par conséquent, il ne sera nullement difficile d'éclairer et de rassurer l'opinion publique sur les alarmes qu'une fausse interprétation de cette mesure, ou l'ignorance de ses véritables motifs, pourraient faire naître dans l'un ou l'autre Pays;

Que lesdites modifications ne doivent point être considérées comme un avantage particulier pour le Gouvernement Français, ou comme un soulagement accordé aux maisons de banque avec lesquelles il a traité, mais, comme un arrangement de convenance mutuelle, dicté par des motifs communs à toutes les Parties Contractantes, et non moins conforme à l'intérêt bien entendu du créancier qu'à celui du débiteur;

Que la France s'engageant en outre à tenir compte aux Puissances créancières d'un intérêt de 5 pour cent à raison du délai provenant de ce nouvel arrangement, il n'en résulte pour les autres Puissances aucune perte réelle;

Les Plénipotentiaires des 4 Puissances ont adhéré aux modifications [1817—18.]

tions proposées par le Plénipotentiaire de France aux Stipulations de la Convention du 9 Octobre, et, de concert avec lui, les ont rédigées et arrêtées telles qu'elles se trouvent insérées au Protocole signé le 11 Novembre.

METTERNICH.
RICHELIEU.
CASTLEREAGH.
HARDENBERG.

BERNSTORFF.
NESSELRODE.
CAPODISTRIAS.

(8.)—*Protocole de la Conférence, tenue à Aix la Chapelle, le 21 Novembre, 1818.*

(Extrait.)

POUR éviter les discussions désagréables qui pourroient avoir lieu à l'avenir, sur un point d'Etiquette Diplomatique, que l'Annexe du Récès de Vienne, par laquelle les questions de Rang ont été réglées, ne parait pas avoir prévu, il est arrêté entre les 5 Cours que les Ministres Résidens accrédités auprès d'Elles formeront, par rapport à leur Rang, une Classe intermédiaire entre les Ministres du Second Ordre et les Chargés d'Affaires.

METTERNICH.
RICHELIEU.

CASTLEREAGH.
HARDENBERG.

(9.)—*Protocole des Conférences, tenues à Aix la Chapelle, Octobre et Novembre, 1818, sur la répression de la Traite des Noirs.*

[See Vol. 1818, 1819. Page 22.]

MESSAGE from the President of The United States to the House of Representatives, relative to the War with the Seminoles.—25th March, 1818.

To the Senate and House of Representatives of The United States.

I NOW lay before Congress all the information in the possession of the Executive, respecting the War with the Seminoles, and the measures which it has been thought proper to adopt, for the safety of our Fellow Citizens, on the Frontier exposed to their ravages.

The enclosed Documents show, that the Hostilities of this Tribe were unprovoked, the offspring of a spirit long cherished, and often manifested towards The United States, and that in the present instance, it was extending itself to other Tribes, and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived, the Major-General commanding the Southern Division of the Troops of The United States, was ordered to the

theatre of action, charged with the management of the War, and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these Savages, in case of retreat, may prevent a prompt termination of the War; but it may be fairly presumed, that it will not be long before this Tribe, and its associates, receive the punishment which they have provoked and justly merit.

As almost the whole of this Tribe inhabits the Country within the limits of Florida, Spain was bound, by the Treaty of 1795, to restrain them from committing hostilities against The United States. We have seen with regret, that her Government has altogether failed to fulfil this obligation, nor are we aware that it made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this Tribe, by her very small and incompetent Force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain, to maintain her authority over the Territory, and Indians within her Limits, and in consequence to fulfil the Treaty, ought not to expose The United States to other and greater injuries. When the authority of Spain ceases to exist there, The United States have a right to pursue their Enemy, on a principle of self-defence. In this instance, the right is more complete and obvious, because we shall perform only, what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred right of self-defence, will the movements of our Troops be strictly confined. Orders have been given to the General in command, not to enter Florida, unless it be in pursuit of the Enemy, and in that case, to respect the Spanish Authority, wherever it is maintained; and he will be instructed to withdraw his Forces from the Province, as soon as he shall have reduced that Tribe to order, and have secured our Fellow-Citizens, in that quarter, by satisfactory arrangements, against its unprovoked and savage hostilities in future.

JAMES MONROE.

The Secretary of War to the President of The United States.

Department of War, 24th March, 1818.

THE Secretary of War has the honor to transmit to the President of The United States, all the Documents in relation to the Seminole War, accompanied by a Copy of an Order to Major General Gaines, of the 16th December, 1817, and an Extract of an Order to Major-General Jackson, of the 26th of the same month.

J. C. CALHOUN.

The Honorable James Monroe.

(1.)—*The Commander at Fort Gaines to the Officer of Fort Hawkins.*

(Extract.)

2nd February, 1817.

WHEN the Colonel, with the Troops, left Fort Scott, he gave the Buildings in charge of one of the Perrymans, from whom I have just received a Letter, handed me by his brother, who arrived here after I had commenced writing this.

Perryman states in his Letter, that the Red Sticks, (or hostiles,) after we had left the Fort, came in companies, and carried off every thing we had left with him, and what he had purchased of Butler; burnt 3 houses, and threatened, if he did not leave the place, to burn it over his head: he got what few articles he could, with his family, in a Canoe, and came to his brother's, who informs me that there are at present about 300 Indians embodied at the Forks, and others constantly joining them; he does not know their intentions, but understood a Party was going out to steal horses, &c.

This morning (3rd) one of the Settlers waited on me, to advise in what manner to act, as 8 or 10 Indians had been at his house and ordered him off; telling him, that in 6 days they would come back, and if he was not gone they would drive them away.

The Commander at Fort Hawkins.

R. SANDS.

(2.)—*General Gaines to the Governor of Georgia.*

SIR,

Milledgeville, 5th February, 1817.

I HAVE the honor to acknowledge the receipt of your Excellency's Letter of this date.

The facts which you have been pleased to communicate, in relation to the late hostile conduct of the Seminole Indians, must and shall receive my immediate and particular attention. I am not authorized to change the destination of the 4th Infantry, but should I receive no authority to recal a part of that Corps, I shall order 1 or 2 Companies of Artillery (to do duty as Infantry) from Charleston to the Southern Frontier of this State, with instructions to check Indian hostilities, and, at the same time, to remove from Indian land such Intruders as may remain, after being duly notified to remove. I have, &c.

The Hon. William Rabun.

EDMUND P. GAINES.

(3.)—*The Governor of Georgia to General Gaines. Milledgeville, 5th February, 1817.*

[See Vol. 1818, 1819. Page 463.]

(4.)—*George Perryman to Lieut. Sands. 24th February, 1817.*

[See Vol. 1818, 1819. Page 463.]

(5.)—*Archibald Clark, Intendant, St. Mary's, (Georgia,) to General Gaines.*

SIR,

26th February, 1817.

IN consequence of a recent and most obnoxious act perpetrated by a party of Indians (supposed to be of the lower Creeks) in this County, in the murder of an unfortunate White Woman, and her 2 infant children, by which the defenceless Inhabitants on our Frontier have been thrown into a distressing state of alarm, I avail myself of the earliest opportunity in giving information that may be relied on, under the fullest assurance that immediate measures will be adopted to guard and prevent a repetition of such cruel and barbarous acts.

On the 24th instant, the house of a Mr. Garret, residing in the upper part of this County, near the boundary of Wayne County, was attacked during his absence, near the middle of the day, by this party, consisting of about 15, who shot Mrs. Garret in 2 places, and then despatched her by stabbing and scalping. Her 2 children, one about 3 years, the other 2 months, were also murdered, and the eldest scalped: the house was then plundered of every article of value, and set on fire. A young man in this neighborhood, hearing the report of guns, went immediately towards the house, where he discovered the murdered family. The flames having only commenced, they were extinguished, and he spread the alarm. The workmen from my mills, and a few others, assembled to pursue; but having but few arms, and not otherwise equipped, their pursuit proved fruitless. The Indians were tracked as far as the men dare venture. Their course was parallel with the western branch of *Spanish Creek*, which induces the belief of their being Indians of the lower Tribes.

On this open, extensive, and entirely unprotected Frontier, the poor and innocent inhabitants have ever been exposed to these calamities. Representation after representation to the several Governors of this State, of cruel and unprovoked murders in this quarter by the Indians, have been made. A momentary disposition was manifested to afford relief; but a little time, however, would elapse before the alarm would subside; and the subject never more thought of, until again revived by an occurrence such as I have just related.

To you, Sir, therefore, the inhabitants on the Frontier, as well as others, through me, appeal for some protection. A small detachment of Troops upon the head of the St. Mary's would answer a most valuable purpose, by at once checking the inroads of the Savages, and preventing our abandoned and unprotected Citizens from adventuring into the Indian Country, and driving in herds of cattle.

I have the honor, &c.

Major-General Gaines.

ARCHIBALD CLARK.

(6.)—*A. Arbuthnott to the Officer commanding at Fort Gaines. Okolokne Sound, 3rd March, 1817.*

[See Vol. 1818, 1819. Page 497.]

(7.)—*Lieut. Sands to Colonel King. Fort Gaines, 15th March, 1817.*

[See Vol. 1818, 1819. Page 464.]

(8.)—*David B. Mitchell, Indian Agent, to the Secretary of War. (Extract.) Milledgeville, (Geo.) 30th March, 1817.*

By yesterday's mail, I received a Letter from Mr. Timothy Barnard, who resides on Flint River, in the Indian Country, a considerable distance below the Agency, in which he observes, " I have been informed 2 days past, from below, where the Red Stick class reside, that a party has been down near St. Mary's, and murdered a woman and 2 children, and brought off some horses. I have heard, for some time past, that the Red Stick party have commenced their Red Stick dances again, which is a proof that they mean to commence hostilities. Our Forts, Crawford and Gaines, having been evacuated, I believe, has been the cause of these Red Stick class beginning again to commence hostilities. They think that our Troops were afraid to continue there."

The murder of the woman and 2 children, spoken of by Mr. Barnard, had been previously communicated to me by the Magistrates of Camden County; and I have no doubt but it was perpetrated in retaliation for the killing of an Indian, about 3 or 4 weeks previous, on the Florida side of the St. Mary's River, by some worthless White Men, who reside on the Frontiers of East Florida, and who live by plunder. They have, for some time past, been a perfect nuisance to the Frontier of Georgia, in that quarter; and although repeated complaints of their bad conduct have been made to the Governor of the Province, yet either from the want of ability or inclination, they have not been suppressed; but I believe their impunity is attributable to the first, viz. inability on his part to apprehend and punish them.

The single fact of this murder being easily accounted for on the Indian principle of retaliation, I should dread no farther bad consequences from it; but the other facts stated by Mr. Barnard, can only be attributed to a settled plan of hostility on the part of the Indians, and that such a disposition has been encouraged by the removal of the Troops from Camp Crawford. And I have the more reliance upon the intelligence, as coming from Mr. Barnard, who has resided nearly 50 years in the Indian Country, and is perfectly well acquainted with their habits and customs, and whose family connexion gives him the best and surest means of correct information.

As an additional inducement to this measure, I will further state,

that I have received information from other persons at and near Fort Gaines, that a British Agent is now among these hostile Indians, and that he has been sending insolent messages to the friendly Indians and White Men settled above the Spanish line: he is also charged with stimulating the Indians to their present hostile aspect; but whether he is an acknowledged Agent of any Foreign Power, or a mere adventurer, I do not pretend to determine; but am disposed to believe him the latter; but be that as it may, and let the hostile disposition of the Indians proceed from what it may, a moderate regular Force stationed at Camp Crawford, or any other suitable position in that quarter, will, I am confident, keep all quiet; and without it, some serious mischief will result.

The Hon. W. H. Crawford.

DAVID B. MITCHELL.

(9.)—*General Gaines to the Secretary of War. Camp Montgomery, M. T. 3rd April, 1817.*

[See Vol. 1818, 1819. Page 465.]

(10.)—*General Gaines to the Secretary of War.*

SIR,

Montgomery, 3rd April, 1817.

THE enclosed Letter contains some additional information upon the subject of my Communication of this date. Most respectfully, &c.
The Hon. W. H. Crawford. EDMUND P. GAINES.

(Enclosure.)—*A. Culloh to General Gaines.*

GENERAL GAINES,

Fort Gaines,

1817.

I AM requested by all the Citizens to inform you of our situation, believing that no communication has been forwarded, giving a detail of the information received, our distress, and the prospect of approaching destruction.

We are hourly told, by every source of information, by the friendly Indians, by Letters from William Hamblly and Edmund Doyle, who reside low down on the Apalachicola, that all the lower Tribes of Indians are embodied, and are drying their meats to come on to the attack of this Post. The British Agent at Oakelockines Sound is giving presents to the Indians. We have among us Indians who have been down and received powder, lead, tomahawks, knives, and a drum for each Town, with the Royal Coat of Arms painted on it. We have, at this time, at least 500 Indians skulking in this neighborhood, within 3 or 4 miles of us, who will not act for themselves, and who are evidently waiting the signal to strike an effectual blow. They have stolen almost every horse belonging to the Citizens. They have scared them from the fields, which they have cleared, and have taken possession of their Houses. They are now stealing horses, cattle,

and hogs from the Georgia Lines; and have killed 1 or 2 Families on the St. Tillas.

The Citizens have all assembled near the Fort, not able to return to the States, and no prospect of making crops. The Indians have all returned to their Towns below the line, and this Post is unable to remove them. The Troops are scarce of provisions, and no prospect of the early arrival of more.

Nothing but speedy relief, by Troops, can quiet the People, or save this Country from destruction.

Respectfully, &c.

Major General Gaines.

A. CULLOH.

(11.)—*General Gaines to the Inhabitants of Murder Creek, Alabama Territory.*

GENTLEMEN,

Camp Montgomery, M. T. 12th July, 1817.

I HAVE received your Communication of the 21st of last month, stating that the Indians residing upon the Conaka had killed cattle and hogs belonging to the Inhabitants of Murder Creek, and had broken into their Houses, and taken from them some provisions, corn, &c.

In reply, I have to observe, that all Indians within the lately acquired Territory are amenable to our Laws, and may be prosecuted for the offences of which you complain, in the same manner as if they were White Inhabitants.

The Lands cultivated by friendly Indians, within the ceded Territory, have been reserved and guarantied to them by Treaty; and by a late Act of Congress, the Agent of Indian Affairs has been authorized to settle the respective claims to such reservations. Until this is effected, there exists no where any sort of authority to drive off such Indians settled upon the Public Land.

Governor Mitchell, the Agent, will, in a short time, enter upon the examination and adjustment of those Claims.

The disposition which you have manifested, to abstain from "rash measures" towards those Indians, affords ground to hope that, viewing them as a part of the human family, possessing the right of residing among us, you will make allowance for their ignorance and their wants, which are calculated rather to awaken our commiseration, than to excite in us a spirit of hostility towards them.

That you may have peace and prosperity throughout your Settlement, is the sincere wish of your obedient Servant,

The Inhabitants of Murder Creek.

EDMUND P. GAINES.

(12.)—*G. Leftwich, Adjutant 7th Infantry, to General Gaines.*

SIR,

Camp Montgomery, M.T. 28th July, 1817.

AGREEABLY to your Instructions of the 26th instant, I proceeded to the Burnt Corn Spring, near the place where the recent murder was

committed by an Indian; and from the best information received, I have the honor to make the following Report:

1st. It does not appear that any misunderstanding existed between the Indians and the Citizen killed, (Mr. Glass.)

2ndly. It appears that the Indians made the first assault, and that without any provocation on the part of the Citizens.

3rdly. From the information received, it appears that Mr. Glass heard 4 or 5 guns fire some short distance from his house; he was under the impression that the Indians were doing some mischief, and went out for the purpose of ascertaining what the firing was at; he had proceeded but a short distance when he discovered an Indian Woman, he went towards her and inquired if she knew who it was that was shooting; she made him no answer; he asked her several times and received no answer. She said something, and an Indian that was concealed in the bushes not more than 15 steps from Mr. Glass, rose up and shot him through the body: he snapped his gun at the Indian, who immediately ran off: he then fired at the woman as she was running after the man, but does not know whether he killed her or not. His wound being very painful, he dropt his gun and shot bag, and attempted to return home; he had not proceeded more than 300 yards when he fainted, and remained until found by a traveller. This was on Saturday, and he died on Sunday morning, leaving a widow and 8 children to lament his untimely death: he was a man who supported a good character in his neighborhood, though in limited circumstances. On the following day there was a cow found near the place where Mr. Glass was shot, with 4 balls shot through her.

4thly. There was only 1 Indian man seen by Mr. Glass; but from the circumstances of his hearing 4 guns, and the cow being found near that place with 4 balls shot through her, induces a belief that he had several Companions with him, although they were not seen by Mr. Glass. From the report of the friendly Indians, it is believed they are 50 or 60 in number, and that they have returned to the Camp on Pine Barren Creek, occupied by them at the time they murdered Johnson and Wagasky, as a part of them were met by several Persons near the Pine Barren Spring, a few days after the murder was committed.

Colonel Dales' Party pursued them to their Camp on the Sapalogas, but found it deserted, apparently several days: they have several small fields of corn growing at the place. From the sign left, it is believed they have a number of horses, and some of the largest description. The Indian who acted as a Guide, states they have at this time a Negro Boy and a horse belonging to Johnson and Magasky: it appears to be the prevailing opinion among the Inhabitants, that they may be found on Pine Barren Creek.

I have the honor to be, &c.

Major General Gaines.

G. LEFTWICH.

(13.)—*General Gaines to the Secretary of War.*

(Extract.)

Camp Montgomery, M.T. 25th August, 1817.

HAVING received several Communications from Persons settled upon the Public Land, within the Tract acquired by the Treaty of Fort Jackson, containing general accusations against the Indians; that they had killed cattle and hogs, and stolen corn, &c. from the Inhabitants, and requesting the interposition of Military Authority; I have uniformly referred them to the Civil Magistrates, because I have, in no case during the present year, heard of any thing like an *assemblage of force* among the Indians in this quarter of the Territory. Nor could I see any reason why Persons who had obtruded themselves upon the Public Land, contrary to Law, should be allowed Military protection against the petty offences of which these People complained, especially as it did not appear that the Civil Authority had been opposed, nor even resorted to by the Complainants.

The Enclosure contains a Copy of my Reply to the Inhabitants of Murder Creek, (11.) and in this you will find the substance of my other Replies, both written and verbal. Since the date of this Reply, and, as I have reason to believe, some days after it reached the Settlement of Murder Creek, a Mr. Glass, near that place, was killed by an Indian, who was said to be accompanied by 3 others.

On receiving this information, I immediately despatched a discreet Officer, Lieutenant Leftwich, to ascertain the particulars of the outrage, with a view to send a Party in pursuit of the Offenders, in case they should not have been arrested by the Civil Authority.

The Hon. W. H. Crawford.

EDMUND P. GAINES.

(14.)—*Major Twiggs to General Gaines.*

(Extract.)

Fort Scott, 17th September, 1817.

YOUR Communication to the Indians on the East side of the Flint River, was read, and explained to the principal Chief of the Mikasukies, the 6th of this month. He promised to give an answer in 10 days, at farthest. I have detained the Express until this time, in expectation of sending it on by him, but have been disappointed. I have not heard from them since. The Interpreter informed me, the principal Warriors were absent, when he was there; but that those present said, they never heard of Indians being given up to be punished by the Whites: that they had heard of their being sometimes killed *by themselves*, for offences committed, but seemed to think that giving them up, was out of the question; they said, they would have a meeting, and would answer the Letter in a few days. As they have not done so, I think but one construction can be put on their conduct. They seemed to dislike the communication very much: and when Gregory was about leaving the Town, he offered his hand to an Indian, who held out his with a knife in it, and refused to shake hands with him.

He stayed so short a time among them, that it was impossible for him to give much information respecting them. Captain Donoho has returned: he has been sick in Hartford, which was the cause of his delay. On his return, the Indians were very rude to him, and frequently threatened his guide, and once caught hold of the Captain's bridle, in a threatening manner.

Major-General Gaines.

D. E. TWIGGS.

(15.)— ——— to the Commanding Officer at Fort Hawkins.

DEAR SIR,

11th September, 1817.

SINCE the last War, after you sent word we must quit the War, we, the Red People, have come over on this side. The White People have carried all the Red People's cattle off. After the War, I sent to all my People, to let the White People alone, and stay on this side of the River; and they did so: but the White People still continue to carry off their cattle. Barnard's Son was here, and I inquired of him what was to be done; and he said we must go to the Head Man of the White People, and complain. I did so, and there was no White Head Man, and there was no Law in this case. The Whites first begun, and there is nothing said about that; but great complaint made about what the Indians do. This is now 3 years since the White People killed 3 Indians. Since that, they have killed 3 other Indians, and taken their horses, and what they had; and this summer they killed 3 more; and very lately they killed 1 more. We sent word to the White People, that these murders were done, and the answer was, that they were People that were Outlaws, and we ought to go and kill them. The White People killed our People first: the Indians then took satisfaction. There are yet 3 men that the Red People have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done: the truth in such cases, ought to be told; but this appears otherwise. On that side of the River, the White People have killed 5 Indians; but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the White People have done ought to be told to their Head Man, When there is any thing done you write to us; but never write to your Head Man what the White People do. When the Red People send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead: it appears that all the mischief is laid on this Town; but all the mischief that has been done by this Town, is 2 horses, 1 of them is dead, and the other was sent back. The cattle that we are accused of taking were cattle that the White People took from us: our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed

others went to take satisfaction; and the kettle of one of the men that was killed was found in the house where the woman and 2 children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing up Americans, and so on: but since the word was sent to us, that peace was made, we stay steady at home, and meddle with no Person. You have sent to us respecting the Black People on the Sauwanny River: we have nothing to do with them. They were put there by the English; and to them you ought to apply for any thing about them. We do not wish our Country desolated by an Army passing through it, for the concern of other People. The Indians have Slaves there also, a great many of them. When we have an opportunity, we shall apply to the English for them: but we cannot get them now.

This is what we have to say at present.

Your humble Servant, &c.

The Commander at Fort Hawkins.

N. B. There are 10 Towns have read this Letter, and this is the Answer.

(16.)—*Major Twiggs to General Gaines.*

SIR,

Fort Scott, 18th September, 1817.

SINCE I started the Express this morning, the Indians have delivered the enclosed Letter to me. (15.)

I have the honor to be, &c.

Major-General Gaines.

D. E. TWIGGS.

(17.)—*General Gaines to the Secretary of War.*

(Extract.)

Camp Montgomery, M. T. 1st October, 1817.

I HAVE the honour to lay before you a Copy of a Letter which I have received from the Chiefs of 10 of the Seminole Towns, in reply to my demand for the delivery of the murderers of our Citizens.

By this Communication, it appears, that, instead of a compliance with my demands, the Chiefs have set up a claim against us, for the lives of 3 Indians, for whom they allege, they have not yet taken satisfaction. They charge us with having killed 10 of their Warriors, and claiming a balance of 3 to be due them: they admit, by necessary implication, that they have killed 7 of our Citizens.

They acknowledge the murder of a woman, (Mrs. Garret) and her 2 children. But the Chiefs attempt to justify this act, upon the ground that the Warriors who committed the outrage had just before lost some friends; had entered our Settlements to take satisfaction; found at the house of Garret a kettle belonging to the Indians that had been killed, and from this circumstance, supposed the murder had been committed by the 'husband of the woman;' they, therefore, killed her and her 2 children!

By a Letter from Major Twiggs, the Commandant of Fort Scott, I learn that he had been warned, some weeks past, by the principal Chiefs of the Fowletown, (15 miles above the Fort, and 20 above the National Boundary,) not to cut another stick on the east side of Flint River; adding, that the land was his, and he was directed by the Powers above to protect and defend it, and should do so; and it would be seen, that talking could not frighten him. Major Twiggs adds, he had not seen the Chief, nor any of his People since he made this threat. The Major states, in another Letter, that this Town had been detected in stealing 100 head of cattle in 1 drove; all of which they had killed.

The Hon. W. H. Crawford.

EDMUND P. GAINES.

(18.)—*The Acting Secretary of War to Major-General Gaines.*

(Extract.)

Department of War, 30th October, 1817.

I HAVE the honor to acknowledge the receipt of your Letter of the 1st instant, covering a Copy of the Reply which was made by 10 of the Seminole Towns, to the demand made by you on them, for the surrender of the murderers of some of our Citizens.

These Papers have been submitted to the President, and I am instructed by him to inform you, that he approves of the movement of the Troops from Fort Montgomery to Fort Scott; the appearance of this additional Force, he flatters himself, will, at least, have the effect of restraining the Seminoles from committing further depredations, and perhaps, of inducing them to make reparation for the murders which they have committed. Should they, however, persevere in their refusal to make such reparation, it is the wish of the President, that you should not, on that account pass the line, and make an attack upon them within the limits of Florida, until you shall have received instructions from this Department.

You are authorised to remove the Indians still remaining on the Lands ceded by the Treaty made by General Jackson with the Creeks; and in doing so, it may be proper to retain some of them as hostages, until reparation shall have been made for the depredations which have been committed. On this subject, however, as well as to the manner of removing them, you will exercise your discretion. M'Intosh, and the other Chiefs of the Creek Nation, who were here some time since, expressed then, decidedly, their unwillingness to permit any of the hostile Indians to return to their Nation.

Major-General Gaines.

GEORGE GRAHAM.

P. S. The authority to remove the Indians will, of course, not extend to those Indians and their families, who have claims to reservations of lands under the Treaty.

(19.)—*General Gaines to the Secretary of War.*

(Extract.)

Chatahoochie, 9th November, 1817.

FROM various Reports from the Seminole Indians, I can only learn, that they are determined to deliver up none of their Offenders; nor will they restore stolen property, except 1 Town, the Michasukees, the Chief of which professes to be friendly. By the enclosed Letter from Major Twiggs, it appears they are determined to attack us as soon as we cross Flint River; and that they have 2,700 warriors. Although I feel little faith in their threats, and believe their numbers to be overrated, yet I deem it proper to be provided with additional Force. I have, therefore, requested of His Excellency the Governor of Georgia, a Regiment of Infantry, and a Squadron of Cavalry, which he has informed me, are held in readiness to march.

The Hon. George Graham.

EDMUND P. GAINES.

(20.)—*General Gaines to General Jackson.*

Head Quarters, Fort Gaines,

(Extract.)

Georgia, 9th November, 1817.

PREVIOUS to my leaving the Coroka, I ascertained, that the accounts I had received respecting the Seminole Indians being at Pensacola, were incorrect, and that the number of Indians of different Tribes there did not exceed what had been usual at this season of the year. This statement was soon after confirmed by Mr. Denson, and the Interpreter Cornels. The latter, however, states, that he had seen and conversed with the hostile Party of Uchu Warriors, part of whom killed Johnston and Magasky, and Mr. Glass. They now consist of about 30 Warriors, or 35. They were, a few days past, at the mouth of Yellow Water, had several stolen horses, which they offered for sale, and declared their determination to be always hostile towards our Citizens.

From Major Twiggs I learn, that he has received information upon which he places reliance, that the Indians have recently had a meeting at the Mickasukee Town, of near 2,700 Warriors, when it was determined they would attack us, as soon as we should cross Flint River. Although I put little faith in these threats, and believe their numbers to be overrated, yet I deem it proper, keeping an eye to the safe side, to be provided with additional force; and have, therefore, desired the Governor of Georgia to send me the Regiment of Infantry and Squadron of Cavalry, held in readiness for that purpose: for, in a War with Savages, I think little should be hazarded; as every little advantage which we suffer them to acquire, tends to add, in an extraordinary degree, to their strength and confidence.

Major-General Jackson.

EDMUND P. GAINES.

(21.)—*General Gaines to General Jackson.*

(Extract.) *Fort Scott, Georgia, 21st November, 1817.*

THE 1st Brigade arrived at this Place on the 19th instant. I had previously sent an Indian Runner to notify the First Town Chief, E-me-he-maut-by, of my arrival, and, with a view to ascertain whether his hostile temper had abated, requested him to visit me. He replied, that he had already said to the Commanding Officer here, all he had to say, and he would not come.

He had warned Major Twiggs not to cross or cut a stick of wood on the east side of Flint River, alleging that the Land was his: that he was directed by the Powers above and below, to protect and defend it, and should do so. This being the talk referred to, and his Town having continued to be hostile ever since the last War, having participated, as the friendly Indians assert, in the predatory War carried on for some time past, against the Georgia Frontier, I yesterday detached 250 Men (supposed to be about the strength of the Town) under the command of Major Twiggs, with orders to bring me the Chief and Warriors; and in the event of resistance, to treat them as Enemies.

The Detachment arrived at the Town early this morning, and were instantly fired upon, but without effect. The fire was briskly returned by the Detachment, and the Indians put to flight, with the loss of 4 Warriors slain; and, as there is reason to believe, many were wounded.

It is with deep regret I have to add, that a Woman was accidentally shot with some Warriors, in the act of forcing their way through our Line formed for the purpose of arresting their flight. The unfortunate Woman had a blanket fastened round her, (as many of the Warriors had) which, amidst the smoke in which they were enveloped, rendered it impossible, as I am assured by the Officers present, to distinguish her from the Warriors.

Among the articles found in the House of the Chief, was a British uniform coat (scarlet) with a pair of gold epaulettes, and a Certificate signed by a British Captain of Marines, "Robert White, in the absence of Colonel Nicholls," stating that the Chief had always been a true and faithful friend to the British.

The reports of friendly Indians concur in estimating the number of hostile Warriors, including the Red Sticks and Seminoles, at more than 2,000, besides the Blacks, amounting to near 400 men, and increasing by Runaways from Georgia. They have been promised, as several Indians inform me, assistance from the British at New Providence. This promise, though made by Woodbine, is relied on by most of the Seminole Indians. I have not a doubt but they will sue for peace, as soon as they find their hopes of British aid to be without foundation.

Major General Jackson.

EDMUND P. GAINES.

(22.)—*General Gaines to the Secretary of War.*

(Extract.)

Fort Scott, (Geo.) 26th November, 1817.

WITH a view to ascertain the strength of the hostile Indians in the vicinity of Fowletown, and to reconnoitre the adjacent Country, I, a few days past, detached Lieutenant Colonel Arbuckle, with 300 Officers and men. The Colonel reports, that the Indians had placed themselves in a swamp, out of which about 60 Warriors made their appearance near the Town, and with the war whoop, commenced a brisk fire upon our Troops, which they returned in a spirited manner. The fire continued but 15 or 20 minutes, when the Indians were silenced, and retired into the swamp, with a loss which the Colonel estimates at 6 or 8 killed, and a greater number wounded. We had 1 man killed, and 2 wounded.

The Hon. George Graham.

EDMUND P. GAINES.

(23.)—*The Acting Secretary of War to General Gaines.*

SIR,

Department of War, 2nd December, 1817.

YOUR Letter of the 9th ult. advising of the call on the Governor of Georgia to assemble the Auxiliary Force, which had been previously required by you, at Fort Hawkins, on the 25th ultimo, has been received.

It is hoped that the Letter addressed to you from this Department, on the 30th of October, will have been received, and that you will confine your operations to the objects stated in that Communication, and to such a disposition of the regular Force under your command, as will deter the Seminole Indians from making further depredations on the Frontiers of Georgia.

The state of our Negotiations with Spain, and the temper manifested by the principal European Powers, make it impolitic, in the opinion of the President, to move a Force at this time, into the Spanish Possessions, for the mere purpose of chastising the Seminoles for depredations which have heretofore been committed by them.

I have the honor to be, &c.

Major General Gaines.

GEO. GRAHAM.

To be forwarded by the Postmaster at Milledgeville, Georgia.

(24.)—*General Gaines to the Acting Secretary of War.*

(Extract.)

Fort Scott, (Geo.) 4th December, 1817.

I WOULD much more willingly devote my time and humble faculties in the delightful occupation of bringing over savage man to the walks of civil life, where this is practicable without force, than to contribute to the destruction of any one of the human race. But every effort in the work of civilization, to be effectual, must accord with the immutable principles of justice. The Savage must be taught and compelled to do that which is right, and to abstain from doing

that which is wrong. The poisonous cup of barbarism cannot be taken from the lips of the Savage by the mild voice of reason alone, the strong mandate of justice must be resorted to and enforced.

After all that the wisdom and philanthropy of our Country and Government, aided by millions of money, have yet been able to effect, it is a melancholy truth, that in no Indian Nation within my knowledge, (the Chickasaws excepted,) has the scalping knife been laid aside for any considerable length of time, until their every hope of using it, with impunity, had been defeated.

The Hon. George Graham.

EDMUND P. GAINES.

(25.)—*The Acting Secretary of War to General Gaines.*

SIR,

Department of War, 9th December, 1817.

YOUR Letter, bearing date the 21st ultimo, advising of the arrival of the first Brigade at Fort Scott, on the 19th ultimo, and of the subsequent attack with the Indians at Fowletown, has been received. Although the necessity of this attack, and the consequent effusion of blood, is exceedingly to be regretted, yet it is hoped that the prompt measures which were taken by you on your arrival at Fort Scott, and the display of such an efficient Force in that quarter, will induce the Indians to abstain from further depredations, and sue for peace.

Referring to the Letters addressed to you from this Department, on the 30th October, and 2nd of December, as manifesting the views of the President, I have to request that you conform to the Instructions therein given. Should the Indians, however, assemble in force on the Spanish side of the Line, and persevere in committing hostilities within the Limits of The United States, you will, in that event, exercise a sound discretion as to the propriety of crossing the Line for the purpose of attacking them, and breaking up their Town.

I have the honor to be, &c.

Major General Gaines.

GEO. GRAHAM.

(26.)—*David B. Mitchell, Indian Agent, to the Acting Secretary of War.*

(Extract.)

Creek Agency, 14th December, 1817.

I HAVE the honor to acknowledge the receipt of your 2 Letters of the 31st October, and 3rd November last. Before the receipt of those Letters, a meeting of the Principal Chiefs had been called by the Little Prince, at the Town of Thla-Cotch-Cau, on the Chatahoochie River, near Fort Mitchell, at which I attended; the object of which was, to take into consideration the state of the Nation, and particularly, the measures which it would be proper for them to take, in relation to those Indians residing between Fort Gaines and the Spanish Line; and also the conduct they should pursue with regard to the War with the Seminoles. They unanimously expressed much regret, that hostilities [1817—18.]

should have commenced between the Troops under General Gaines, and the Fowletown Indians, who reside within our Boundary; because these Indians, although they did not unite with the friendly ones during the late War, neither did they join the Red Sticks, and had recently expressed a great desire to become decidedly friendly. They were, however, perfectly willing, that their Warriors should join General Gaines against the Seminoles.

I stated to them, that it was not the desire of the President to go to War with the Seminoles, if he could honorably avoid it; and at the present moment, he would not consent to their going against the Seminoles within the Spanish Territory, under authority of The United States; that they must wait, therefore, until I gave them the order to march. At the same time, I advised them to send a confidential and trusty Chief down to the Indians living between Fort Gaines and the Spanish Line, and desire them immediately to remove above the Line of Jackson's Treaty; and that the same Chief should then proceed directly to the Mackasukie Town, (the Head-quarters of the Seminoles and Red Sticks of the late War,) and propose to them certain terms of peace, and a junction of their Force to go against the Negro Camp. The objects which this Chief was instructed to hold out to those Indians, as attainable, by adopting this course, were various, and of sufficient importance, in the view of those making the proposition, to induce a belief, that they would be favorably received; in which event I should proceed to Fort Scott to adjust their differences. This course of proceeding was immediately adopted, and the head man of the Osoochies, Hopoi Haijo, set out on the same day, charged with the Mission. To afford time to ascertain the result of this plan, and that I might be able to communicate with the War Department, another meeting was assigned for the 11th of next month, at this Place, when all the friendly Warriors, with M'Intosh at their head, will attend to receive their final orders. But, on my return to this place, I fortunately fell in with General Gaines, on his way to Fort Hawkins, from whom I learned the fatal disaster which had befallen a Detachment of his Troops, under Lieutenant Scott, on the 30th of last month: the particulars of which, he informed me he had communicated, which renders a detail from me unnecessary.

In speaking with General Gaines upon the subject of the road from Fort Hawkins to Fort Stoddart, he informed me, that it was not this road to which he referred in his communication to the War Department, but 90 miles of new road, which he had made between Fort Montgomery and Fort Scott, and by which he recently marched the Troops from the former to the latter post. As soon as I receive the 5,000 dollars which you have ordered to be remitted to me, I shall endeavour to lay them out to the very best advantage in repairing the

Bridges and Roads; and General Gaines has assured me, that as soon as the Troops can be spared, a detachment shall be ordered to assist.

The Hon. George Graham.

DAVID B. MITCHELL.

(27.)—*General Gaines to the Secretary of War.*

(Extract.) *Fort Hawkins, (Georgia,) 15th December, 1817.*

I ARRIVED at this Place, the day before yesterday morning. In the afternoon of the same day, I received the Detachment of Georgia Militia, under the command of Brigadier Glasscock. They look well, and are ready to march; but the inattention on the part of the Contractor's Agent to the requisitions for a supply of rations, will, I apprehend, according to custom, delay the movement of the Militia, until some part of the Frontier Settlements suffer by the Indians, who, I have no doubt, will detach considerable Parties for this purpose, as soon as they find themselves unable to succeed in any attempt against the regular Troops at Fort Scott; and I think it cannot be long before they are convinced of this. But, although I consider the regular Troops secure in the positions they occupy, yet I am satisfied their numbers will not warrant their being detached, or leaving their places of defence, except to a very small extent.

I have just now received Mr. Graham's Letter, of the 2nd instant. The views of the President, so far as may depend on me, shall be scrupulously observed. I should instantly discharge the Georgia Militia, were I not strongly impressed with a belief, that such a step would hazard the safety of the Frontier Settlements.

The Seminole Indians, however strange and absurd it must appear to those who understand little of their real character, and extreme ignorance, entertain a notion that they cannot be beaten by our Troops. They confidently assert, that we never have beaten them, or any of their People, except when we have been assisted by "Red People." This will appear the less extraordinary, when it is recollected, that they have little or no means of knowing the strength and resources of our Country; they have not travelled through it; they read neither books nor newspapers; nor have they opportunities of conversing with Persons able to inform them. I feel warranted, from all I know of these Savages, in saying, they do not believe we can beat them.

This error of theirs has led them, from time to time, for many years past, to massacre our Frontier Citizens, often the unoffending and helpless mother and babes.

I felt myself fully authorized to adopt the only measures which long experience has proven to be adequate, to put a stop to these outrages. I was pleased with the prospect of being instrumental in effecting an object of so much importance to our exposed Frontier Settlements,

and which I felt, and still feel persuaded, would, in the end, benefit the Indians.

EDMUND P. GAINES.

The Hon. J. C. Calhoun.

(28.)—*General Jackson to the Secretary of War.*

(Extract.) *Head Quarters, Nashville, 16th December, 1817.*

I AM in hopes that this check to the Savages may incline them to peace. Should it not, and their hostility continue, the protection of our Citizens will require that the wolf be struck in his den, for rest assured, if ever the Indians find out that the Territorial Boundary of Spain is to be a sanctuary, their murders will be multiplied to a degree that our Citizens on the Southern Frontier cannot bear. Spain is bound by Treaties to keep the Indians within her Territory, at peace with us; having failed to do this, necessity will justify the measure, after giving her due notice, to follow the Marauders, and punish them in their retreat. The War-hatchet having been raised, unless the Indians sue for Peace, your Frontier cannot be protected without entering their Country; from long experience, this result has been fully established.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

(29.)—*The Secretary of War to General Gaines.*

SIR, *Department of War, 16th December, 1817.*

ON the receipt of this Letter, should the Seminole Indians still refuse to make reparation for their outrages and depredations on the Citizens of The United States, it is the wish of the President that you consider yourself at liberty to march across the Florida Line and to attack them within its Limits, should it be found necessary, unless they should shelter themselves under a Spanish Post. In the last event, you will immediately notify this Department.

I have the honor to be, &c.

J. C. CALHOUN.

General Edmund P. Gaines, Fort Scott, Georgia.

(30.)—*The Secretary of War to General Jackson.*

(Extract.) *Department of War, 26th December, 1817.*

You will repair, with as little delay as practicable, to Fort Scott, and assume the immediate command of the Forces in that quarter of the Southern Division.

The increasing display of hostile intentions by the Seminole Indians, may render it necessary to concentrate all the contiguous disposable Force of your Division upon that quarter. The Regular Force now there, is about 800 strong, and 1000 Militia of the State of Georgia is called into service. General Gaines estimates the strength

of the Indians at 2700. Should you be of opinion that our numbers are too small to beat the Enemy, you will call on the Executives of the adjacent States for such an additional Militia Force as you may deem requisite.

Major-General Jackson.

J. C. CALHOUN.

OUKASE de Sa Majesté Impériale L'Empereur de Russie, portant publication du Traité de Paix et de Commerce de 1813, entre La Russie et La Perse.—St. Pétersbourg, le 28 Juillet, 1818.

OUKASE.

Nous Alexandre Ier, par la grâce de Dieu, etc. etc. savoir faisons :

La paix avec la Perse a assuré la tranquillité aux Frontières Orientales de notre Empire ; elle a été conclue dans une circonstance décisive, dans le même temps où la nouvelle destinée de l'Europe a été fixée, et l'unanimité des sentimens couronnée par la victoire.

Depuis cette mémorable époque, les Nations jouissent des bienfaits de la paix générale ; les liens de l'amitié contractée entre la Perse et la Russie se sont de plus en plus resserrés dans l'espace des 4 dernières années ; ils sont maintenant entretenus des 2 côtés par de solennelles Ambassades, et appuyés sur une base inébranlable.

En annonçant à Nos fidèles Sujets cet heureux évènement, qui offre déjà les avantages d'une parfaite harmonie et d'une tranquillité constante, Nous avons ordonné de publier le Traité même, conclu avec la Perse, à Gulistan, le 12 Octobre, 1813.

Donné à St. Pétersbourg, le 1^{er} Juillet, 1818.

COMTE NESSELRODE,

ALEXANDRE.

Secrétaire d'Etat.

TRAITE de Paix et d'Amitié perpétuelle, conclu entre l'Empire de Russie et celui de Perse, le 12 Octobre, 1813, dans le Camp Russe, sur la Rivière de Siewa dans le Gulistan, par les Plénipotentiaires nommés à cet effet par les 2 Parties, et qui a été confirmé le 15 Septembre, 1814, à Tiflis, par les Plénipotentiaires respectifs, au moyen de l'échange des Ratifications des 2 Monarques.

(Traduction.)

SA Majesté le Très-haut et Très-puissant Prince, Empereur et Autocrateur de toutes les Russies, et Sa Majesté le Padischach, Dominateur et Souverain de la Perse, désirant sincèrement, par amour pour

leurs Sujets respectifs, mettre fin aux maux de la guerre si affligeans pour leurs coeurs, et rétablir sur un fondement solide une Paix sûre et les relations d'amitié et de bon voisinage, qui ont subsisté dès les tems anciens entre les Empires Russe et Persan, ont jugé à propos de nommer pour cet acte juste et bienfaisant leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de toutes les Russies :

Son Excellence Nicolas Rtischtschew, son Lieutenant-Général, Commandant en Chef des Troupes de Grusinie (Georgie) et de la Ligne du Caucase, Commandant de la Flottille de la Mer Caspienne, Chevalier des Ordres de St. Alexandre Newsky, de Ste. Anne 1^{ère} Classe, de St. Georges 4^e Classe, et propriétaire d'un sabre d'or portant cette inscription : " pour la Bravoure."

Sa Majesté le Schach de Perse :

Son Ministre distingué et très-honoré, MirzaAbdoul Hassan Chan, qui a été Envoyé Extraordinaire près les Cours de Turquie et d'Angleterre, choisi entre tous les Généraux Persans, le Ministre le plus affidé de son Souverain, Conseiller des Affaires Privées de la haute Cour de Perse, Descendant d'une famille de Visir, Chan de la 2^e Classe à la Cour de Perse, et possédant les marques les plus distinguées de faveur, qui consistent en un poignard et un sabre ornés de diamans, des vêtemens et schawls garnis de diamans, ainsi qu'un harnois dans le même genre.

En conséquence, nous, les Plénipotentiaires ci-dessus, nous nous sommes réunis sur le Territoire Karabag dans le Gulistan près la rivière de Seiwa, et après avoir échangé nos Pleins-pouvoirs, et examiné mûrement tout ce qui avoit rapport à l'affermissement de la paix et des relations d'amitié à conclure au nom de nos 2 grands Monarques, nous avons réglé et confirmé pour toujours les Articles suivans :

ART. I. Les hostilités et la mésintelligence qui ont eu lieu jusqu'ici entre les Empires Russe et Persan cessent dès à présent par ce Traité, et il y aura à perpétuité paix, amitié, et bonne intelligence, entre Sa Majesté l'Autocrateur de toutes les Russies, et Sa Majesté le Schach de Perse, leurs Héritiers et Successeurs, et leurs Gouvernemens respectifs.

II. Comme il a déjà été réglé mutuellement par des Conférences préliminaires entre les 2 Hautes Puissances, que la paix sera conclue sur le pied du *status quo présent*, savoir, que chaque Partie restera en possession des Pays, Chanats et Territoires qui se trouvent maintenant entièrement en son pouvoir, la ligne suivante formera dès à présent et pour l'avenir la Frontière entre l'Empire Russe et celui de Perse.

Cette ligne commence près la Forêt Odina-Basara, traverse en

droite ligne le Desert Maganais, jusqu'à la digue d'Edibuluk près la rivière Arax, de là en montant le long de l'Arax jusqu'à l'endroit où la petite rivière Kapanaktschaja y entre, et plus loin à la droite de la petite Rivière Kapanaktschaja jusqu'à la crête des montagnes de Migrin, et continue à s'étendre de là par les limites des Chanats Karabag et Nachitschewan sur la crête des montagnes de Alegas, jusqu'à la Forêt Daraleges, où se touchent les limites des Chanats de Karabag, Nachitschewan, Erivan, et d'une partie du Cercle d'Elisabethpol, (lequel appartenait autrefois au Chanat de Ganschin); en suite de là par la limite qui sépare le Chanat d'Eriwan, des terres du Cercle d'Elisabethpol comme de celui de Schamschadit et de Kasach jusqu'à la Forêt de Eschok Meidan, et de là sur les crêtes des montagnes en suivant à droite le cours de la petite rivière et de la route de Gimsat-schiman le long de la crête de la montagne de Bambak jusqu'au coin de la limite de Schuragel; de cet angle enfin jusqu'à la hauteur du mont glacial d'Alages, et de là le long de la crête des montagnes par la frontière de Schuragel, entre Mastaras et Artik jusqu'à la petite Rivière de Arpatschaja. Au reste, comme le Territoire de Taluschin a passé pendant la guerre tantôt sous le pouvoir de l'une tantôt sous celui de l'autre Puissance, les limites de ce Chanat du côté de Sinsel et Ardawil seront, pour plus de certitude, réglées après la signature et la Ratification du présent Traité par des Commissaires réciproquement nommés d'un accord commun; lesquels Commissaires dresseront, sous la direction des Commandans en Chef des 2 Parties, une description fidèle et détaillée des territoires et habitations, comme aussi des rivières, montagnes, lacs et forêts qui se trouvent jusqu'à l'époque présente dans la possession effective de l'une des 2 Parties; et alors il sera tiré une ligne de délimitation du Chanat de Taluschin sur la base de l'état de possession actuel, de sorte que chaque partie reste en possession de son territoire. De la même manière, si dans les limites ci-dessus tracées la ligne dépasseroit en quelque point la possession actuelle de l'une ou de l'autre des 2 Parties, chaque Partie obtiendra après examen des Commissaires des 2 Hautes Puissances, une indemnité proportionnelle sur la base de l'état de possession actuelle.

III. Sa Majesté le Schach, afin de prouver à Sa Majesté l'Empereur de Russie la sincérité de ses intentions, reconnoit solennellement, tant pour lui que pour ses Successeurs au Trône de Perse, que les Chanats (Gouvernemens) ci-dessous appartiennent en propre à l'Empire Russe: le Chanat de Karabag et de Ganschin, qui sont maintenant réunis en une Province sur le nom d'Elisabethpol, ainsi que les Chanats de Schekin, Schirwan, Derbent, Kubin, Bakiu et Talischin, avec les terres dépendantes qui se trouvent maintenant au pouvoir de la Russie; en outre tout le Daghestan, la Grusinie (Georgie,) avec la Province de Schuragel, Imirezie, Guriel, Mingrélie et Abchasie, de même que tous les territoires et fonds de terre qui sont situés entre la frontière qui

vient d'être déterminée et la ligne du Caucase, avec les Pays et les Peuplades qui confinent à cette dernière et à la Mer Caspienne.

IV. Sa Majesté l'Empereur de Russie, en témoignage de ses sentimens pour Sa Majesté le Schach de Perse, et pour lui prouver son désir sincère de voir l'Autocratie et l'autorité souveraine établies sur une base solide dans l'Empire Persan, voisin de la Russie, s'engage solennellement pour Lui et ses Successeurs, à prêter, en cas de besoin, secours à celui des Fils du Schach de Perse, qu'il nommera Héritier de l'Empire Persan, afin qu'aucun ennemi étranger ne puisse se mêler des affaires de la Perse, et que la Cour de Perse soit fortifiée par l'appui de la Cour de Russie. Du reste, s'il s'élevoit des différends entre les Fils du Schach sur les affaires de l'Empire Persan, la Russie n'y prendra point part avant que le Schach régnant ne réclame son intervention.

V. Les Vaisseaux Marchands Russes auront, comme antérieurement, le droit de naviguer le long des côtes de la Mer Caspienne et d'y aborder. En cas de naufrage, les Persans leur donneront amicalement du secours. Les Bâtimens de commerce Persans auront aussi comme auparavant, le même droit de cabotage le long des côtes de la Mer Caspienne et d'aborder sur le rivage Russe; et en cas de naufrage, les Russes leur donneront toute l'assistance nécessaire. Quant aux Vaisseaux de Guerre, comme, avant la Guerre, ainsi que durant la Paix et dans tous les temps, le Pavillon Russe a seul flotté sur la Mer Caspienne, il aura aussi maintenant sous ce rapport le même droit exclusif qu'auparavant, de manière qu'outre la Puissance Russe aucune autre ne puisse arborer un Pavillon militaire sur la Mer Caspienne.

VI. Tous les Prisonniers au pouvoir des 2 Parties, soit Prisonniers de Guerre, soit habitans enlevés à leurs foyers, qu'ils soient Chrétiens ou de toute autre religion, seront rendus 3 mois après la conclusion et la signature du présent Traité, et il sera pourvu à leur entretien et frais de voyage jusqu'à Caraklis.

VII. Outre les Articles ci-dessus, leurs Majestés l'Empereur de Russie et le Schach de Perse sont convenus, que les Ministres respectifs des 2 Cours, qui, en cas de besoin, auront été envoyés dans les résidences de leurs Majestés seront reçus conformément à leur rang et à l'importance des Missions dont ils seront chargés. Les Agens ou Consuls accrédités, suivant l'ancien usage, par leurs Majestés dans les Villes où elles le jugeront nécessaire pour la protection du commerce, et qui ne pourront avoir plus de 10 Personnes à leur suite, seront considérés et honorés d'une manière conforme à leur rang en qualité de Fonctionnaires accrédités; il sera donné des ordres, pour que non-seulement ils ne soient point insultés, mais encore pour que dans le cas où les Sujets respectifs des 2 Puissances auroient quelques plaintes à faire, on procède, d'après leurs représentations, de la manière la plus impartiale, pour qu'il soit fait réparation entière à l'offensé.

VIII. Quant à ce qui concerne les relations commerciales entre les Sujets de leurs Majestés qui sont munis de Certificats de leur

Gouvernement ou des Commandans de Frontières, qui attestent qu'ils sont réellement Négocians et Sujets Russe ou Persans, il leur sera permis de se rendre librement par terre et par mer dans les Etats des 2 Puissances Contractantes, d'y demeurer, pour faire le commerce, aussi longtems qu'ils les jugeront à propos, et de s'en retourner également, sans éprouver de retard. Ils pourront vendre et échanger les Marchandises importées de Russe en Perse, et reciproquement. En cas de décès d'un Sujet Russe venu en Perse ou domicilié dans cet Etat, sa fortune et ses biens, tant meubles qu'immeubles, étant considérés comme des biens appartenant à des Sujets d'une Puissance amie, les premiers seront délivrés sans délai et sans recèlement, contre quittance, suivant les Lois, à leurs associés ou à leurs parens ; il sera permis à ceux-ci de vendre les premiers à qui bon leur semblera, à leur gré et à leur plus grand avantage, ainsi que cela se pratique dans tous les Etats civilisés, quelle que soit la Puissance dont dépendent les intéressés.

IX. Il ne sera pas levé plus de 5 pour cent de droits sur les Marchandises introduites par des Négocians Russes dans les Villes ou les Ports de Perse, et ce droit ne sera perçu qu'une fois. La même chose aura lieu par réciprocité en Russie à l'égard des Persans.

X. A l'arrivée des Marchandises sur les Côtes, dans les Ports, ou dans les Villes Frontières des 2 Parties Contractantes, il sera accordé toute la liberté possible aux Marchands respectifs pour vendre ou échanger leurs Marchandises, ou pour en acheter d'autres, sans qu'ils soient astreints à demander à cet effet une permission aux Directeurs des Douanes ou aux Revendeurs, (*Vorkaufern*,) leur devoir étant de veiller à ce que le commerce ait son libre cours.

XI. Après la signature de ce Traité, les Plénipotentiaires des 2 Puissances en donneront respectivement, sans délai, connoissance partout où il appartiendra, et expédieront un Ordre pour faire cesser partout sur-le-champ les hostilités.

Le présent Traité de Paix perpétuelle, en 2 Exemplaires semblables, accompagnés d'une traduction en langue Persane, signé par les Plénipotentiaires ci-dessus des 2 Puissances, muni de leurs Cachets et mutuellement échangé, sera confirmé par l'Empereur de Russie et le Schach de Perse, et ratifié solennellement par la signature de Leurs Majestés. Les Exemplaires ratifiés seront envoyés dans l'intervalle de 3 mois par les 2 Cours à leurs Plénipotentiaires.

Fait dans le Camp Russe, sur le Territoire de Karabag en Gulistan, sur la Rivière Seiwa, l'an de Jésus-Christ, 1813, le 12 Octobre, et suivant le Calendrier Persan, l'an 1228, le 29 du Mois Schawal.

(L.S.)

MIRZA ABDOUL HASSAN CHAN,
Plénipotentiaire du Célèbre Empire Persan.

(L.S.)

NICOLAS RTISCHTSCHEW,
Plénipotentiaire Russe et Commandant Général en Grusinie.

DISCOURS prononcé par Sa Majesté l'Empereur de Russie, Roi de Pologne, à l'Ouverture de la Diète du Royaume de Pologne.—Varsovie, le ¹⁵/₂₇ Mars, 1818.

Représentans du Royaume de Pologne : (Traduction.)

Vos espérances et mes vœux s'accomplissent. Le Peuple que vous êtes appelés à représenter, jouit enfin d'une existence nationale, garantie par des Institutions que le temps a muries et sanctionnées.

L'oubli le plus sincère du passé pouvait seul produire votre régénération. Elle fut irrévocablement décidée dans ma pensée, du moment que j'ai pu compter sur les moyens de la réaliser.

Jaloux de la gloire de ma Patrie, j'ai ambitionné de lui en faire cueillir une nouvelle.

La Russie en effet, à la suite d'une guerre désastreuse, en rendant, d'après les préceptes de la morale chrétienne, le bien pour le mal, vous a tendu fraternellement les bras, et parmi tous les avantages que lui donnait la victoire, elle en a préféré un seul : l'honneur de relever et de restaurer une Nation vaillante et estimable.

En y contribuant, j'ai obéi à une conviction intérieure puissamment secondée par les événemens. J'ai rempli un devoir prescrit par elle seule, et qui n'en est que plus cher à mon cœur.

L'organisation qui était en vigueur dans votre Pays a permis l'établissement immédiat de celle que je vous ai donnée, en mettant en pratique les principes de ces Institutions libérales qui n'ont cessé de faire l'objet de ma sollicitude, et dont j'espère, avec l'aide de Dieu, étendre l'influence salutaire sur toutes les Contrées que la Providence a confiées à mes soins.

Vous m'avez ainsi offert les moyens de montrer à ma Patrie ce que je prépare pour elle dès long-temps et ce qu'elle obtiendra, lorsque les élémens d'une œuvre aussi importante auront atteint le développement nécessaire.

Polonais ! revenus comme vous l'êtes des funestes préventions qui vous ont causé tant de maux, c'est à vous à consolider votre renaissance.

Elle est indissolublement liée aux destinées de la Russie : c'est à fortifier cette union salutaire et protectrice que doivent tendre tous vos efforts. Votre restauration est définie par des Traités solennels. Elle est sanctionnée par la Charte Constitutionnelle. L'inviolabilité de ces engagements extérieurs et de cette Loi Fondamentale, assure désormais à la Pologne un rang honorable parmi les Nations de l'Europe. Bien précieux, qu'elle a long-temps cherché en vain au milieu des épreuves les plus cruelles.

La carrière de vos travaux s'ouvre. Le Ministre de l'Intérieur vous exposera l'état actuel de l'Administration du Royaume ; vous allez connaître les Projets de Lois qui doivent faire l'objet de vos dé

libérations. Ils ont pour but des améliorations progressives. Celle des Finances de l'Etat réclame encore des notions que le temps et une juste appréciation de vos ressources peuvent seuls fournir au Gouvernement. Le Régime Constitutionnel est appliqué successivement à toutes les parties de l'Administration. L'Ordre Judiciaire va être organisé. Des Projets de Législation Civile et Pénale seront portés à votre connaissance. Je me plais à croire qu'en les examinant avec une attention soutenue, vous produirez des Lois destinées à garantir les biens les plus précieux : la sûreté de vos personnes, celle de vos propriétés et la liberté de vos opinions.

Ne pouvant rester toujours au milieu de vous je vous ai laissé mon Frère, mon Ami intime, mon Compagnon inséparable dès nos premières années. Je lui ai confié votre Armée. Dépositaire de mes intentions et de ma sollicitude pour vous, il s'est attaché à son propre ouvrage. C'est par ses soins que cette Armée déjà si riche en souvenirs glorieux et en qualités guerrières, s'est encore enrichie, depuis qu'il est à sa tête, de toutes les habitudes d'ordre et de régularité qui ne s'acquièrent que pendant la paix et préparent le soldat à sa véritable destination.

Un de vos plus dignes Vétérans (Le Général Zayonzek) me représente parmi vous. Blanchi sous vos Drapeaux, associé constamment à vos succès et à vos revers, il n'a cessé de donner des preuves de son dévouement à la Patrie. L'expérience a complètement justifié mon choix.

Malgré mes efforts, peut-être tous les maux dont vous avez eu à gémir, ne sont-ils pas encore réparés. Telle est la nature des choses : le bien ne se fait que lentement, et la perfection demeure inaccessible à la faiblesse humaine.

Représentans du Royaume de Pologne ! Elevez-vous à la hauteur de vos destinées. Vous êtes appelés à donner un grand exemple à l'Europe qui fixe sur vous ses regards.

Prouvez à vos Contemporains que les Institutions libérales, dont on prétend confondre les principes à jamais sacrés avec les doctrines subversives qui ont menacés de nos jours le système social d'une catastrophe épouvantable, ne sont point un prestige dangereux : mais que réalisées avec bonne foi et dirigées surtout avec pureté d'intention vers un but conservateur et utile à l'humanité, elles s'allient parfaitement avec l'ordre, et produisent d'un commun accord la prospérité véritable des Nations.

C'est à vous qu'il est désormais réservé de faire preuve de cette grande et salutaire vérité : que la concorde et l'union président donc à votre Assemblée, que la dignité, le calme et la modération caractérisent vos discussions.

Uniquement guidés par l'amour de votre Patrie, épurez vos opinions, rendez-les indépendantes de tout intérêt particulier ou exclusif, énoncez-les avec simplicité et droiture, en renonçant aux séductions qui accompagnent le plus souvent le maniement habile de la parole.

Enfin, que le sentiment d'une amitié fraternelle, prescrit à nous tous par le Divin Législateur, ne vous abandonne jamais !

C'est ainsi que votre Assemblée obtiendra les suffrages de son Pays, et cette estime générale, qu'une réunion semblable est fait pour commander, quand les Représentans d'une Nation libre ne dénaturent point le caractère auguste dont ils sont revêtus.

Premiers Fonctionnaires de l'Etat, Sénateurs, Nonces, Députés. Je vous ai exprimé ma pensée, je vous ai montré vos devoirs.

Les résultats de vos travaux dans cette première Assemblée m'apprendront ce que la Patrie doit attendre à l'avenir de votre dévouement pour elle, comme de vos bons sentimens pour moi, et si, fidèle à mes résolutions, je puis étendre ce que j'ai déjà fait pour vous.

Rendons grâce à Celui qui seul a la puissance d'éclairer les Souverains, de faire fraterniser les Peuples, et de répandre sur eux les dons de l'amour et de la paix.

Invoquons-le, pour qu'il bénisse et fasse prospérer notre ouvrage !

ADRESSE présentée à Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, par le Sénat du Royaume de Pologne ;—à Varsovie, le 26 Avril, 1818.

SIRE,

(Traduction.)

LE Sénat de votre Royaume de Pologne a écouté avec une profonde et religieuse attention les paroles mémorables que votre Majesté Impériale et Royale a daigné adresser du haut de son Trône aux Chambres réunies, à l'ouverture des travaux de la Diète. Recueillies par notre reconnaissance, ces paroles resteront gravées à jamais dans nos cœurs, et passeront dans ceux de nos neveux, pour y nourrir ces sentimens d'admiration, de fidélité et d'amour, dont nous avons le bonheur de porter aujourd'hui l'hommage au pied de votre Majesté.

Tout ce que nous sommes, tout ce dont nous jouissons, nous ne le devons, Sire, qu'à vous seul ; il était en votre pouvoir d'abandonner une Nation noble, mais infortunée, au sort funeste que le destin semblait lui avoir préparé,—vous avez préféré la relever et la rendre heureuse ; vous lui avez marqué dans vos pensées magnanimes le point le plus élevé auquel des hommes réunis en société puissent raisonnablement prétendre ; mais votre haute sagesse ne s'est point dissimulée qu'il n'est donné qu'à la persévérance d'obtenir un résultat aussi grand et aussi difficile ; que les Institutions les plus libérales ne sauraient acquérir de solidité et de garantie qu'au moyen d'un développement graduel et systématique ; qu'il n'y a de vraiment utile que ce qui est mûr ; que pour marcher avec succès, il faut marcher avec le tems ; et vous avez résolu, Sire, de ne dérouler que successivement des vues dont l'accomplissement doit couronner

nos vœux. Les plus belles théories ont de nos jours amené de grands désastres ; on n'approche de la perfection qu'à l'aide du flambeau de l'expérience ; c'est elle que vous avez choisie pour guide. Il ne dépend que de votre Majesté de vouloir ; mais sa volonté suprême ne saurait être exécutée que [par l'entremise de ceux qui ont l'honneur d'être appelés à son service ; et vous vous êtes ménagé, Sire, les moyens de nous convaincre jusqu'à quel point vos intentions paternelles sont suivies. De tout tems et en tout lieu, la vérité a eu mille obstacles à vaincre pour arriver jusqu'aux marches du Trône ; vous avez daigné lever et ceux qui pourraient en interdire l'accès et ceux qui auraient pu la dénaturer en ternissant la pureté ; vous voulez la tenir de la bouche même des Représentans que la Nation a revêtus de sa confiance, et des Fonctionnaires qui, par suite de longs services, ont eu le bonheur de mériter la vôtre ; et lorsque aujourd'hui ils nous est permis de présenter à votre Majesté l'expression de nos sentimens et de nos vœux, nous ne faisons que jouir d'un des bienfaits qu'elle a daigné nous accorder.

Nous avons donc l'honneur de porter au pied du Trône de Votre Majesté Impériale et Royale, le Rapport des Commissions réunies du Sénat, contenant nos observations sur la marche qu'a suivie le Gouvernement depuis l'introduction du Régime Constitutionnel, et nos vœux sur la marche à l'avenir. Daignez, Sire, les recevoir avec l'indulgence qui caractérise votre ame, et les juger d'après l'esprit qui les a dictés. La reconnaissance ne serait pas à la hauteur du bienfait, si celui qui le reçoit ne savait pas l'apprécier ; nous croyons, Sire, avoir saisi toute l'étendue de ceux que votre main généreuse a versés sur notre Nation ; c'est sur cette connaissance que sont basées nos observations, et sous ce point de vue elles peuvent donner à votre Majesté la mesure de notre dévouement sans bornes ; inspirées par la reconnaissance, elles méritent d'autant plus d'être justifiées par elle, qu'en traçant nos vœux, nous n'avons jamais perdu de vue que, pour le bien même des Institutions qui garantissent nos droits, leur développement devait être prudemment gradué. Un sentiment encore nous a servi d'encouragement et de guide, c'est celui de la confiance ; nous avons osé espérer qu'il ne déparera pas notre hommage aux yeux d'un Souverain qui ne dédaigne pas le titre de Père de ses Sujets.

Nous nous sentons, Sire, nous nous avouons heureux ; nous le sommes par les avantages que nous assure la Charte Constitutionnelle, et dont nous avons déjà la jouissance ; nous le sommes par ceux que cette même Charte nous garantit encore, mais dont le développement n'a pu avoir lieu, soit à cause de la brièveté du tems, soit que la sagesse de votre Majesté attende le moment où il sera le plus convenable de les mettre en vigueur ; nous le sommes enfin par les espérances que votre magnanimité nous permet de concevoir, car une espérance émanée de votre bonté, autorisée par votre sagesse, et appuyée de votre

puissance, prend à nos yeux le caractère de la réalité et de la certitude ; et ce qui prouve surtout combien ce bonheur est senti, c'est que connaissant la source d'où il découle, chacun de nous porterait avec joie en offrande à votre Majesté son sang, son existence et tout son bien-être, si les intérêts de votre sûreté ou ceux de votre gloire en réclamaient le sacrifice.

Un Souverain, qui ne respire que le bonheur de ses Peuples, qui sait dans sa sagesse tracer la meilleure des routes pour les y conduire, qui la suit d'un pas ferme et assuré, et qui consacre à ce noble but, tous ses soins, toutes ses veilles, passait déjà dans l'esprit de ces hommes dont la faiblesse n'atteint pas à la hauteur d'une vertu sublime, ou de ceux que le malheur a découragés, pour un des beaux rêves de la philanthropie. Il était réservé à votre Majesté de réaliser ce rêve, d'offrir ce grand exemple à l'Europe qui vous doit déjà le retour de la Paix.

C'est à nous, Sire, à prouver aux yeux de cette même Europe, qu'en assurant notre bonheur, vous ne risquerez pas de compromettre le vôtre ; que l'ordre le plus parfait est l'ami, l'auxiliaire né des Institutions libérales ; qu'une soumission, motivée par la conviction et le sentiment, vaut bien et vaut mieux qu'une obéissance conquise par la force des armes ; que le sentiment de la reconnaissance n'est dans le fond que le sentiment du bonheur ; qu'un attachement inviolable, une fidélité à toute épreuve, un dévouement sans bornes, n'en sont que la suite nécessaire, et que telles sont aussi les vertus auxquelles la Nation Polonaise a toujours attaché sa gloire.

DISCOURS prononcé par Sa Majesté l'Empereur de Russie, Roi de Pologne, à la Clôture de la Diète du Royaume de Pologne ;—à Varsovie, le 27 Avril, 1818.

Représentans du Royaume de Pologne.

(Traduction.)

Vous avez justifié mon attente. Les délibérations de cette première Assemblée, l'esprit qui l'a dirigée, les résultats qu'elle a produits, attestent l'unanime pureté de vos intentions, et déterminent mon suffrage.

A la suite de vos travaux, le Royaume de Pologne va se trouver enfin sous le régime d'un Code Pénal uniforme et Polonais. En statuant qu'un Code de Procédure Criminelle vous serait proposé à votre prochaine réunion, j'ai prévenu un vœu que vous dictait l'amour éclairé du bien et de l'ordre.

Mais il était indispensable que les Loix qui forment la théorie de la Jurisprudence Pénale, fussent arrêtées avant celles qui doivent en diriger l'application. Les premières devaient obtenir votre assentiment pour tracer la marche à suivre dans le développement des secondes.

Des réglemens nouveaux ont complété une partie de votre Code Civil dont l'insuffisance était généralement reconnue.

Quelques-unes de ses dispositions n'offraient point au crédit des propriétaires fonciers une garantie assez solennelle. Vous y avez substitué des Lois doublement recommandables par une heureuse expérience et par d'utiles modifications.

Une matière urgente vous restait encore à régler. Vous aviez à prononcer sur une mesure de circonstance, suite nécessaire de tant d'années desastreuses, qui suspendaient les obligations naturelles des Débiteurs envers leurs Créanciers. En pesant dans une juste balance les égards dus aux malheurs prolongés des uns, avec les compensations que l'équité commandait d'accorder aux autres, vous avez posé vous-même le dernier terme de vos anciennes souffrances, vous avez signalé le commencement et gradué les progrès d'un meilleur avenir.

Parmi les Projets de Lois que vous ont occupés, un seul n'a pas obtenu l'assentiment de la majorité des 2 Chambres. La conviction et la bonne foi ont présidé à ce résultat. J'y ai applaudi, parce qu'il relève l'indépendance de vos suffrages. Librement élus, vous deviez librement délibérer. A cette double inviolabilité sera toujours attaché le vrai caractère d'une Représentation Nationale, que j'ai voulu réunir pour entendre, par son organe, l'expression franche et complète de l'opinion publique. Une Assemblée, ainsi constituée, garantit seule au Gouvernement la certitude de ne donner à la Nation que des Lois dont ses besoins réels constatent l'utilité. Cette tâche d'ailleurs n'est pas facile. Ce n'est qu'à l'aide du tems qu'elle peut être remplie avec un plein succès : car le tems épure les opinions et forme les Magistrats à l'école de l'expérience.

Je suis touché des sentimens que vous m'avez témoignés. Votre confiance fait tout mon désir, votre affection toute ma récompense. Je peserai attentivement vos demandes, et vous apprendrez, j'espère, à votre prochaine Session, qu'il y a été satisfait autant que les circonstances l'auront permis.

Les soins que je dois à ma Patrie m'appellent loin de vous ; mais vos destinées seront toujours présentes à ma pensée : je reviendrai parmi vous pour jouir de vos progrès dans la belle carrière que vous est ouverte, et pour vous faire recueillir de nouveaux fruits de ma sollicitude.

Polonais,

Je tiens à l'accomplissement de mes intentions, elles vous sont connues.

Emportez, en retournant dans vos foyers, le témoignage d'avoir travaillé au bonheur de vos Concitoyens et à la prospérité de votre Patrie.

Songez que cette même Patrie, élevée à la dignité d'un Etat libre et indépendant, vous surveille, d'un œil attentif, dans le cercle de vos relations particulières et domestiques.

C'est là, plus encore que dans le grand jour des Assemblées publiques, qu'elle vous recommande d'être Citoyens éclairés, amis de vos frères autant que de vous-mêmes, portés invariablement à faire sentir à toutes les Classes, et surtout à celle qui supporte l'édifice de l'Etat, les avantages inhérens à l'Ordre Constitutionnel dont jouit la Pologne.

Mais cet Ordre ne deviendra un bienfait solide pour vous, que lorsque l'autorité des Lois exercera son empire sur vos cœurs, avant que de régler vos actions. Telle est la hauteur vers laquelle doit se diriger l'essor de la civilisation; et c'est là où elle parvient, quand elle est vraie, c'est-à-dire, quand la pureté des mœurs en fait la base principale.

C'est alors que le bien-être individuel se trouve lié par une heureuse solidarité au bien-être commun, que les Lois sont fortes de l'assentiment général, parce qu'elles reposent sur l'accord nécessaire de toutes les consciences.

Persuadez-vous donc que vos Institutions ne peuvent prospérer qu'autant que vous les placerez sous la garantie de ces principes puisés à la source de la morale chrétienne, qu'autant qu'on trouvera, dans votre vie publique et privée, l'application de ses divins préceptes.

C'est à vous, Ministres des autels, qu'il appartient de faire triompher par vos leçons, et plus encore par votre exemple, cette doctrine salutaire.

Représentans du Royaume de Pologne !

Le degré de zèle que vous mettrez à réaliser mes vœux et mes espérances, m'offrira le gage des succès de l'Administration Nationale, jusqu'à l'époque de la convocation de la prochaine Diète.

Puisse cette Assemblée, enrichie du fruit de vos travaux, avancer à grand pas vers le but honorable qui fixe tant de regards, et préparer aux générations à venir une moisson abondante de sécurité, de bonheur et de gloire !

PROCLAMATION du Général Boyer, comme Président d'Haïti, au Peuple et à l'Armée de la République.—Port au Prince, le 1 Avril, 1818.

JEAN-PIERRE BOYER, PRÉSIDENT D'HAÏTI.

CITOYENS,

ALEXANDRE PETION n'est plus; nous avons perdu ce Chef incomparable, notre Père, notre Bienfaiteur. Nos regrets sont communs, le mélange de nos larmes indique suffisamment quelle était l'union de nos cœurs, et démontre évidemment que nous avons fixé notre estime sur celui qui avait été choisi par la Providence pour être le dispensateur de ses bienfaits envers un Peuple régénéré, ce qu'il n'a jamais perdu de vue.

Jetons les yeux sur le passé, portons nos regards sur le chemin que

nous avons parcouru, passons en revue ce que nous avons fait ; rappelons-nous que loin que notre énergie ait été dans l'inaction, elle a au contraire agi dans toute sa force, et nous verrons que son Excellence le feu Président d'Haïti, tandis que notre Patrie ne cessait d'être la Divinité qui attirait notre culte, était vraiment digne d'être choisi parmi nous pour en être le représentant. Mais quelle que soit la grandeur de notre perte, prêtons une oreille attentive à cette voix sacrée qu'il est de notre devoir d'écouter, qui doit agiter toutes nos âmes, et au son de laquelle nos cœurs électrisés doivent s'élever au-dessus de tous les évènements humains. Haïti est l'ouvrage de vos mains, le fruit de votre courage, le séjour où la liberté et les droits du Citoyen règnent dans la plus haute perfection. Renoncerons-nous à ces avantages inappréciables, en nous laissant abattre par l'adversité ? Au contraire, qu'elle ranime notre courage !

Citoyens, formons un cercle autour de l'arbre de la liberté, sous lequel reposent les cendres de notre auguste Chef ; que son nom, que le nom sacré de la République soient notre cri de ralliement, notre mot d'ordre ; épouvantons nos ennemis par notre attitude ferme et imposante ; devenons, s'il le faut, un peuple de héros ; l'expérience nous a prouvé quelle est la nature de notre force : nous sommes invincibles comme nous devons l'être. Soyons unis, et rien ne pourra interrompre le cours de notre heureuse destinée ; la République d'Haïti triomphera ; les Haïtiens, le Peuple l'ont voulu, et cela sera.

Appelé par le choix du Sénat à prendre le timon du vaisseau de l'Etat, je vous donnerai l'exemple du courage. Je suis devenu le Chef de la famille, et j'ai besoin de l'appui du Ciel, de la concurrence et de l'aide de mes Concitoyens. Dans un Gouvernement régulier, le Peuple est tout, c'est sa confiance qui constitue l'autorité, et cette autorité ne peut être employée que pour son avantage. Je sens avec l'ardent amour de la Patrie dont je suis animé, et le respect que je porte à la volonté nationale, que je ne suis plus le même individu, que je suis l'homme de l'Etat.

Oh, mes Concitoyens, couvrez-moi de votre bouclier ; Sénateurs, Législateurs, soyez mes amis, éclairez-moi ; Généraux, mes Collègues et Frères d'armes, vaillante Armée de la République, prêtez-moi le secours de vos bras pour assurer la paix et le repos de vos familles ; Magistrats du Peuple, comptez que je serai exécuter les Lois, que je me ferai un premier devoir de les observer. Cultivateurs paisibles, livrez-vous sans crainte à vos travaux précieux ; plus le produit vous en sera avantageux, plus je serai satisfait ; rien de ce qui a été établi par mon auguste Prédécesseur ne peut ni ne doit être changé ; le salut de la République dépend du droit sacré des propriétés, de ce que le propriétaire d'un arpent de terre soit considéré par la Loi comme égal à celui qui en possède cent, et également maître de ce qu'il possède ; de ce que le commerce soit libre dans ses spéculations dans l'intérieur

[1817—18.]

de la République comme avec l'étranger : il sera protégé. L'objet de la Constitution sera rempli ; l'ordre et l'économie régneront dans toutes les branches de l'Administration ; les fonds de l'Etat seront employés pour le bien de l'Etat. Le Crédit Public ne sera point en vahî, la dette nationale est sous la sauvegarde de la Nation, le Culte de nos Ancêtres sera respecté, les Magistrats seront honorés, les hommes honnêtes et bons seront considérés. Fasse le ciel que je n'aie jamais à punir le crime, ce serait pour mon cœur le plus douloureux de mes devoirs !

Mais si quelque sacrifice est nécessaire pour assurer le bonheur du Peuple, que mon cœur alors soit animé du feu sacré d'Haïti, que je brûle comme à présent de la pure flamme de la liberté et de l'amour de mes Concitoyens ! Généraux de l'Armée, à qui l'autorité est confiée selon l'ordre de vos grades ; Magistrats qui veillez aux intérêts des familles, faites votre devoir, vous êtes soumis à une responsabilité, mais vous la trouverez fort légère, car je ne dois que des éloges, de la reconnaissance et de l'admiration au Peuple et à l'Armée. Dans ces douloureuses et récentes circonstances, le plus grand ordre a été observé, et vous avez prouvé que vous êtes loin d'être indignes de votre situation politique. Continuez, mes chers Concitoyens, à me couvrir de l'égide de votre estime et de votre confiance. Toutes les fois que vous désirerez faire preuve d'énergie et de fermeté, vous me trouverez à mon poste. Aidez-moi à faire le bien, la douceur, la bienveillance seront la règle de la conduite que vous me verrez tenir invariablement ; suivez cette excellente marche, si conforme à mes principes, si agréable à mon cœur !

Vive la République ! vivent les droits du Peuple et l'Indépendance d'Haïti.

Donné au Palais National du Port-au-Prince, le 1er Avril, 1818, dans la 15e année de l'Indépendance d'Haïti.

BOYER.

MESSAGE from the President of The United States to Congress, transmitting Documents relating to the Seminole War, &c.—Washington, 2nd December, 1818.

To the House of Representatives of The United States.

I TRANSMIT to the House of Representatives, Copies of such of the Documents referred to, in the Message of the 17th Ultimo,* as have been prepared since that period. They present a full view of the operations of our Troops, employed in the Seminole War, who entered Florida.

* See Vol. 1818—1819. Page 169.

The residue of the Documents, which are very voluminous, will be transmitted as soon as they can be prepared.

December 2nd, 1818.

JAMES MONROE.

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*No. 1.—General Gaines to the Secretary of War.**Head Quarters, Fort Scott, Georgia, 2nd December, 1817.*

[See Vol. 1818, 1819. Page 466.]

*No. 2.—General Gaines to the Secretary of War.*SIR, *Head Quarters, Fort Hawkins, Georgia, 15th Dec. 1817.*

I ARRIVED at this place the day before yesterday morning. In the afternoon of the same day I received the Detachment of Georgia Militia, under the command of Brigadier-General Glascock. They look well, and are ready to march; but the inattention on the part of the Contractor's Agent, to the requisitions for a supply of rations, will, I apprehend, according to custom, delay the movement of the Militia, until some part of the Frontier Settlements suffer by the Indians; who, I have no doubt will detach considerable Parties for this purpose, as soon as they find themselves unable to succeed in any attempt against the regular Troops at Fort Scott; and I think it cannot be long before they are convinced of this. But although I consider the regular Troops secure in the positions they occupy, yet I am satisfied their numbers will not warrant their being detached, or leaving their places of defence, except to a very small extent.

I have just now received Mr. Graham's Letter of the 2nd instant. The views of the President, so far as may depend on me, shall be scrupulously observed. I should instantly discharge the Georgia Militia, were I not strongly impressed with a belief, that such a step would hazard the safety of the Frontier Settlements.

The Seminole Indians, however strange and absurd it must appear to those who understand little of their real character and extreme ignorance, entertain a notion that they cannot be beaten by our Troops. They confidently assert that we never have beaten them, or any of their People, except when we have been assisted by "Red People."

This will appear the less extraordinary when it is recollected, that they have little or no means of knowing the strength and resources of our Country: they have not travelled through it: they read neither Books nor Newspapers; nor have they opportunities of conversing with Persons able to inform them. I feel warranted, from all I know of these Savages, in saying, they do not believe we can beat them.

This error of theirs has led them, from time to time, for many years past, to massacre our Frontier Citizens, often the unoffending and helpless mother and babes.

I felt myself fully authorized to adopt the only measures, which long experience has proven to be adequate to put a stop to these outrages. I was pleased with the prospect of being instrumental in effecting an object of so much importance to our exposed Frontier

Settlements, and which I felt, and still feel persuaded, would, in the end, benefit the Indians.

The steps I have taken are known to the Department of War.

You can more readily conceive than I describe the mortification and disappointment I have experienced in being compelled to suspend or abandon my measures, at a moment when the loss of Lieutenant Scott and his Party had just given the Enemy an occasion of triumph, and a certain prospect of increasing his strength, by enlisting against us all who had before wavered or hesitated. Permit me then to repeat my request, that I may be permitted to return.

There is little ground to apprehend, that we shall find it necessary to follow the Indians far beyond the National Boundary. They are now to be found in very considerable Parties on our side of the Line. I have not a doubt of the necessity of sending to Flint River, by the way of Hartford, the detachment of Militia under General Glascock. My endeavors to put the Detachment in motion, will delay my own movement until the 17th instant, at which time I shall resume my march to Point Petre.

An opinion prevails among the well informed of this part of the Country (who have by some means unknown to me been advised of our intention to take Amelia Island) that our Troops there will meet with no opposition. Should this be the case, I shall return to Fort Scott without delay.

I have the honor, &c.

The Hon. J. C. Calhoun.

EDMUND P. GAINES.

No. 3.—General Gaines to the Secretary of War.

(Extract.) *Head Quarters, Hartford, Georgia, 9th January, 1818.*

I HAD the honor to receive on my way to this Place, the 5th instant, by Express from Fort Hawkins, your very acceptable Letters of the 9th and 16th of last month.

The Instructions they contain shall be regarded with the attention which their importance demands.

I received by the same Express several Reports up to the 21st December, from Lieutenant-Colonel Arbuckle, and Major Muhlenburg, Copies of which I enclose herewith, No. 1, 2, 3 and 4.

By these Reports, it appears that the principal Force of the Enemy (between 800 and 1,200) has been assembled on the Apalachicola, with a view to cut off our supplies ordered up that River, and that the detachment with the Vessels, has suffered severe annoyance, and some loss.

I do not apprehend that we shall lose a Vessel, or that any serious consequences to the Troops at Fort Scott, will result from the delay and difficulty of obtaining supplies by that channel; the supply of flour is more than sufficient for the present month, and there is like-

wise a considerable supply of corn at the Fort, and beef cattle in the neighborhood. Of salted pork, there can be but little, until the arrival in the River of 30,000 rations, and with every other requisite supply, ordered in the early part of last month from Mobile, and which may be brought up the River in the covered ball-proof boats, which have been prepared for the purpose. But to guard against every untoward obstacle in that quarter, I have ordered supplies from this Place and Fort Hawkins, part of which are now on the way, and will be deposited at a work now constructing by the Detachment under General Glascock, on Flint River, at the Chehaw Village, 60 miles above Fort Scott, whence the supplies will be taken in ball-proof Boats, and I have strong ground to believe they will be at Fort Scott by the 24th of the present month, at which time I calculate upon being able to concentrate my Force, and shall lose no time in attempting a decisive blow, which I trust will terminate the War.

I have received information, that a Party of Indians entered the Settlement near Trader's Hill a few days past, killed a woman, and took off some 3 or 4 Negroes. I had previously ordered a Detachment of Artillery from Amelia Island, with 2 Companies of the Militia taken from General Floyd's division, to take post at Trader's Hill, for the defence of that Settlement. I have reason to believe the Artillery arrived at the Hill about the time the murder was committed, and the Militia soon after; and that the Indians were pursued.

The residue of Militia taken from General Floyd's Division (5 Companies) are ordered to this place to reinforce General Glascock's Command, excepting 1 Company, which will be posted near the Big Bend of Oakmulgee. The Detachment under General Glascock, delayed by rainy weather, bad roads, and want of punctuality in the Contractor's Department, may not be able to form a junction with The United States' Troops, in time to put an end to the War, before their term of service expires, which will be early in next month. I have therefore requested of his Excellency, the Governor of this State, an additional Force, to assemble at this Place the 1st of next month, to consist of 4 Battalions of Infantry, and 4 Companies of Riflemen, for 3 months: which I hope will meet your approbation.

The Hon. J. C. Calhoun.

EDMUND P. GAINES.

(Enclosure 1.)—Colonel Arbuckle to General Gaines.

SIR,

Fort Scott, 20th December, 1817.

SINCE the day of your departure, I have not received the least information, except by Indians from Fort Gaines; and I have no information whatever of the Georgia Militia, or Mcintosh's Indians.

You will herewith receive a Copy of Brevet-Major Muhlenburg's Letter to me, of the 16th instant, which will apprise you of his situation. The armed Boat I sent down yesterday, under the command

of Captain Blackston, with a supply of 15 days provision, for the men on board the Vessel, and some materials to better secure them from the fire of the Enemy. I had the Boat so altered as to make her convenient to carry forward an anchor, by which means the Vessels will be enabled to progress slowly; and I think will reach this in 8 or 10 days unassisted by the wind; they are about 30 miles below.

I shall do every thing the Force under my command will permit, without hazarding too much, to draw the attention of the Enemy from the Vessels, whose Force, from the best information I have been able to obtain, is between 800 and 1,200 Indians and Negroes, and increasing daily. On the 13th instant, Hambly and Doyle were made Prisoners by this Party, and I presume killed, and their property of every description taken possession of. The Chief, Mr. Perryman, who had gone down with a Party to protect Hambly and Doyle was killed, and his Men forced to join the opposite Party. All the Indians on the Chattahoochie, below Fort Gaines, who are not disposed to go to War, I fear will be compelled to remove above for security.

The present War with these Indians will require a much greater Force than was contemplated, to bring it to a speedy and favorable conclusion. Capechinnico, or the principal Chief of the Mickasukey Town, is in command of all the hostile Indians.

I have a large Keel-boat on the stocks, and should I not be deceived, will have her in a condition for service in 20 days at furthest; she will transport from 3 to 400 barrels, and will be constructed to navigate the Appalachian River with safety and despatch.

In consequence of the situation of our Vessels, and the difficulty of supplying Fort Hughes, I have thought it best to recall the command; during the time Captain McIntosh commanded that Post, he was surrounded by a large Force, and his arrangements were such as to do him much credit; he did the Enemy some injury, and had no men killed or wounded.

There are but 20 days rations of meat on hand at this Post. I have sent the Contractor's Agent to Fort Gaines to forward beef, and if he should be disappointed there, have directed him to proceed further.

I am, &c.

Major General Gaines.

M. ARBUCKLE.

(Enclosure 2.)—Major Muhlenburg to Colonel Arbuckle.

Near the Ocheese Town, on the Apalachicola River,

SIR,

Tuesday Evening, 16th Dec. 1817.

ON Monday morning the Transports were attacked by the Indians, from both sides of the river, with a heavy fire of small arms. We re-

turned their fire : the firing has continued ever since. We have lost 2 killed, and 13 wounded, most of them severely ; whether we have injured them any, I am unable to say. We are now compelled to remain here, as it is impossible for us to carry out a warp, as a man cannot show himself above the bulwark, without being fired on. I can assure you, that our present situation is not the most pleasant, not knowing how soon, or whether we are to receive succor from above.

The wounded are in but a bad situation, owing to the Vessel being much crowded, and it is impossible to make them any ways comfortable on board. Not having any other means to communicate to you, I am compelled to despatch the Keel-boat, under the command of Captain Clinch, with instructions to make the best of his way to Fort Scott.

I hope to hear from you soon, with instructions how I am to proceed in my present situation.

With respect, &c.

Lieut.-Col. Arbuckle.

P. MUHLENBURG.

P. S. We have but a few days provision on hand ; the men have been on half allowance some time.

(Enclosure 3.)—Colonel Arbuckle to General Gaines.

SIR,

Fort Scott, 21st December, 1817.

SINCE closing my Letter, the Keel-boat arrived from the Vessels below, with some wounded.

Major Muhlenburg states, it is impossible for the Vessels to get up, the shore being lined on both sides of the river with Indians and Negroes, who keep up a constant fire on them. He has determined, if the Boat does not return to him this evening, to drop down and try to get to the Bay. The Boat will leave this, under the command of Major Twiggs, at 12 o'clock to-day, and will reach them by sun down, provided it is not interrupted in its descent.

I shall endeavor to keep up an intercourse with them, (by means of the Keel-boat) until we can get the ammunition from on board ; and in the last extremity, they will be compelled to drop down to the Bay, in doing which, I am apprehensive they will suffer severely.

You have herewith, a Copy of Brevet Major Muhlenburg's Letter of the 19th instant. He appears dissatisfied that more has not been done for his relief ; in this, nothing shall be omitted that the Force here can effect.

Should I attempt to march against the Enemy, with all the Force here, with the intention of removing him from the river, I am confident I should not succeed, and at best, would sustain a very considerable loss.

Men, and means of every description, are greatly wanting here, and

should any misfortune happen to the Vessels, we have not half a supply of ammunition, and not a single stand of spare arms.

I have not heard a word from you, since your departure.

I am, &c.

Major-General Gaines,

M. ARBUCKLE.

(Enclosure 4.)—Major Muhlenburg to Lieut.-Colonel Arbuckle.

SIR, *New Ocheese Town, 19th December, 1817.*

YOURS by Captain Blackston, was received at 12 o'clock this morning, and I was in hopes that you would have been able to afford some relief to the command, as our situation demanded that something should have been done immediately. That we are not able to progress is evident, as we have the Enemy on both sides of the river, and it is therefore impracticable to carry out a warp. Had we not heard from you by the Keel-boat this morning, it was decided that we should have attempted to return to the Bay this evening. I shall now despatch the Keel-boat, under the command of Lieutenant Gray, and try to retain our present position, until the night of the 21st.

In case we should not hear from you, or be reinforced by land, we shall make the attempt to reach the Bay. For further particulars, I refer you to Lieutenant Gray.

With respect, &c.

Lieutenant-Colonel Arbuckle.

P. MUHLENBURG.

No. 4.—General Gaines to the Secretary of War.

SIR, *Head Quarters, Hartford, Georgia, 23rd Jan. 1818.*

I HAVE this day received from Lieutenant-Colonel Arbuckle, Reports of the state of his command up to the 18th of the present month, and from Brigadier-General Glascock up to yesterday's date, Copies of which I have the honor to enclose herewith, No. 1 to 6.

By these Communications you will perceive that, whatever has been or can be said of the desire of the Seminole Indians to lay down their arms and make peace, there is in reality no prospect of peace, without beating them into a conviction of the danger and evil effects of a War with us; and I feel persuaded, that a peace made with them at this time, would be followed by scenes of more daring outrage than those which our Frontier Settlements have heretofore suffered.

I have learned from an Officer lately at Fort Hawkins, that there is in the Post Office at that place, a Letter from the Department of War to Major-General Jackson. In the hope of seeing him, and ascertaining his views upon the subject of our operations in this quarter, and to provide for supplying the additional Detachment of Militia ordered to this Place, I have delayed my movement to Fort Scott, until I see or hear from the General, or from the War Department.

I am, &c.

The Honorable J. C. Calhoun.

EDMUND P. GAINES.

(*Enclosure 1.*)—*Colonel Arbuckle to General Gaines.*

SIR,

Fort Scott, 27th December, 1817.

ENCLOSED you will receive a Copy of a Letter I received yesterday from Captain Irvin. Can the information given by the Indian Express be true? The armed boat returned from the Vessels in the Apalachicola River yesterday, and although they have not progressed much, I was greatly gratified to be informed that no men had been killed or wounded on board of them, except those I informed you of in my Communications of the 20th and 21st instant.

I consider the situation of those Vessels much more safe than when I wrote to you last, and have little doubt I shall have them here in 10 days from this time, or if not, I can unload them with safety below, and have them returned to the Bay.

I have had no information respecting the Georgia Militia, or M'Intosh and his Indians, except what is contained in the enclosed.

I have not heard of Provisions being on the way from Fort Hawkins, nor have I received a line from you since your departure from this Post.

I am, &c.

Major-Gen. Gaines.

M. ARBUCKLE.

(*Enclosure 2.*)—*Captain Irvin to Colonel Arbuckle.*

(Extract.)

Fort Gaines, 23rd December, 1817.

You are anxious to know of the movements of the Militia and Indians. I will give you what I have heard on that subject; it was brought from Fort Mitchell by an Indian Express; he received it from Sam Sells, direct from Fort Hawkins. He states that the Militia were to leave the Agency on last Thursday; no word of them yet. He stated that there was considerable confusion amongst them about marching, and that some had refused to march; and that the Agent had told the Indians that General Gaines had no business to go to the Indian Towns, and fire on them in the night; that he had acted like Indians themselves in doing so.

M'Intosh had come as far as Fort Mitchell on his way, and the Agent had sent him home, and told him to meet him at the Agency, for a Talk, in 30 days, 18 of which yet remain; and that he should not move until the General Government shall give the order. This I expect is the case; for they have sent Otis Haijo a Talk; that he was doing wrong to be in service in this Country, till the Agent should give him orders. He further states that the Agent had sent a Talk to Seminola, to the Chiefs to meet him, and he would make peace for them, and the White People should have no satisfaction for what was done; this is the news here, as it respects the Indians. I am induced to believe they are not coming. Nothing new here since you heard from this Post. After all that I have said

to the Citizens, they are going from the Fort to their houses. General Gaines directed me to send you the Census of the People at this Post: a few days since there were 285 persons in the Fort, 60 of whom have left it. The General directed me to have a large corn house built for the reception of the People's corn; I have done so, but they have no disposition to use it. I am constantly advising the People to secure their provisions; but they will not take advice, till it will be too late. So soon as they are down with the Schooner, I shall expect a visit in this neighborhood; 6 will be sufficient to destroy all the corn in this part of the Country, as it all remains at the people's houses, without any protection.

Our Indian Report here says, that Mr. Arbuthnot's Son is with the Indians, giving them instructions, and that it was his doing that Doyle and Hambly were taken; they state that he is with Kenhija, and that his orders were to take them to him. The Chiefs below here, sent word to those above, that they have heard that they were in the White People's service, and that they will pay them a visit after a little, and reward them for their conduct. Finding that those above are not coming down soon, they are constantly alarmed for fear they will fall on them.

Lieut.-Col. Arbuckle.

ROBERT IRVIN.

(Enclosure 3.)—General Glascock to General Gaines.

SIR,

Camp Cumming, 10th January, 1818.

Your's of the 8th is just received, and I am extremely gratified at hearing of your arrival at Hartford, as I already feel considerably relieved. The many difficulties which have occurred since you left us, from Contractors, and together with the want of experience, I can assure you has caused me to feel responsibility attached to my command; but with your instructions, I flatter myself I shall now be able to get on.

We are now encamped about 4 miles from Fort Blackshear on a very beautiful and commanding spot, with a considerable creek on each side, about 4 miles distance; neither of which can be crossed with Waggon. A Bridge was erected over the one in our rear, but it is entirely gone; so soon as the one in our front falls sufficiently, it will be bridged. I have thought it advisable to have the roads repaired, which will be done immediately. Upolicha, a confidential Indian has just arrived with a Talk from Conard, the purport of which is as follows: he states that since the Principal Chief left home for the Agency, the whole of the property of one of them was taken off by some of the Fowle Town Indians, and that Conard is considerably alarmed for his own property. He has advised us to be on our guard, particularly so far as it relates to the Soldiers strolling from the Camp, which, for fear of danger, will be attended to. We have not now on

hand 10 bushels of corn, and Brockman is of opinion that it will be dangerous again to go to the Chehaw ; in consequence of which, I have at his particular request, sent him with this express. I must refer you to him for further information, as to the corn and provisions to be procured in the Nation.

I am almost fearful, when I reflect for a moment, that the time of Service for which this Detachment has been called on, will expire before your object can be accomplished ; as the Officers, with a few exceptions, are governed by the Men, and not the Men by the Officers ; I am in hopes however, that should your object be not accomplished by the first of next month, I shall be able to render you an essential service by Volunteers from my Command, should it be deemed necessary. I will however have a personal interview with you on the subject, on your arrival at our Camp.

Not having calculated on moving from this place for 6 or 7 days for want of provisions, &c., I gave a furlough to Captain Melvin ; should you deem it necessary for us to move before that time, I would be glad that he would return.

I am, &c.

Major-General Gaines.

THOMAS GLASCOCK.

(Enclosure 4.)—Major Heard to General Glascock.

SIR,

Cedar Creek, 5 o'clock, 22nd Jan. 1818.

I WAS ordered this morning by General Glascock, to take 5 Men, and proceed immediately to meet Captain Leigh, who was despatched from Hartford with provisions. I proceeded immediately, and met him about 2 Miles on the east side of the Creek, and Captain Leigh, 5 Men, and myself, proceeded on to Blacksheard's Works in considerable haste ; when we reached the Creek, we made a halt to fix on a pack which was likely to fall before we crossed.

During this stay, Captain Leigh and a Private of Captain Avery's Company, by the name of Samuel Softis, started to cross ; I called to the Captain, and observed that he was probably going into danger ; he replied not, as my party and self had crossed not more than half an hour before. I proceeded and was accompanied by this man Loftis ; they had not gotten entirely across the Creek, when they were fired on by a party of Indians, the number I suppose to be about 20 or 30 from the report of their guns, and both shot dead on the spot. I immediately rode back and ordered the provisions, together with Cornet Isaac Brown's Command, consisting of 20 Men, to a corner of General Blacksheard's old work, on the east side of the Creek, where we took shelter, in a small breast work, determined to secure the provisions if possible. This was the only alternative ; as they were planted in the swamp which was at least 100 yards across, and I not having more than 27 Men under my command with guns. When we completed our work, Captain Sunther and Mr. Bridges

proceeded down the Creek, in order to make their way across to the Army, that General Glascock might be informed of the murder, and be reinforced. That reinforcement has just reached our Works, commanded by Major Joseph Morgan. I, with Captain Dannielly's Company will proceed with the provisions to the Army, and Major Morgan will pursue the trail.

I hope, Sir, as this was written by a torch, that you will excuse and correct any mistake. I am, &c.

Brigadier-General Glascock.

FRANKLIN E. HEARD.

(Enclosure 5.)—Major Wright to General Gaines.

SIR, *Head Quarters, Hartford, Geo. 26th Jan. 1818.*

IN obedience to your Order to me of the 2nd instant I proceeded to Savannah, when to my great mortification, I found the draught little further advanced than when the Order first issued from the Executive Department.

In a Conference with Lieutenant-Colonel Marshall, I learnt that the draught has been made, but that a number of desertions had since taken place, which, with 47 determined from duty, have reduced the quota one half, and that he knows of no steps that can be adopted, (without a flagrant violation of the civil law) to cause their attendance at the general rendezvous, if they refuse to go, which they do almost unanimously. The draughts from the 35th Regiment, have progressed further in their proportions for the Service; though I was informed by Lieutenant-Colonel Harrison, that it would be some days before they could leave their homes, owing to an inquiry into exemption, and that a second draught would be necessary to fill their ranks.

On my leaving Savannah, Colonel Marshall assured me that, as soon as a second draught had been effected, and the necessary arrangements made for their movement, he would address to me a Report to that effect at Fort Hawkins, which has not been received; and I am left to conclude that the arrangements referred to have not been carried into effect. Captain Russell reported to me, that he was prepared to furnish the transportation necessary for their movement, if it should be required. I have the honor, &c.

Major-General Gaines.

CLINTON WRIGHT.

(Enclosure 6.)—Talk of Indian Chiefs.

MY FRIEND, *Fort Mitchell, 30th December, 1817.*

THE Messenger which was sent to the Mackasookeis, has returned with an answer to our Talk. The Mackasookeis say it was not them that began the War; they were sitting down in peace, and the White People came on them in the night and fired on them. The Mackasookeis are all sitting down in their Town, and doing no mischief, and

waiting to see if the White People will make Peace with them. The People that shot at the Boat and killed all the White People were the old Red Sticks, from the Upper Town, them that turned Hostiles last War. The man was sent to the Mackasookeis (Hopoi Haija) with a Peace Talk, met the Mackasookeis at the half way ground, coming with a Peace Talk to us.

Mr. Hambly and Mr. Doyle were taken prisoners. Hopoi Haijo saw them. Sustennagu Chepeo has gone to release them, and carry them to the Fort at St. Marks.

We have sent you this little Talk now : our meeting that you appointed will soon be, and then every thing will be made straight. The Chehaws have received 3 Letters from the Army, and they had no body to read them, and they dont know the contents, and wish the Army could be stopped until our Meeting is over.

TUSTENNAGU HOPOIO.
HOPEI HALJO.

No. 5.—General Gaines to the Secretary of War.

SIR, *Head Quarters, Hartford, Geo. 30th January, 1818.*

I HAD the honor to receive yesterday your Letters of the 26th December, and 16th of the present month, the first having followed me from Amelia Island.

I have for some months past endeavored to inform myself of the topography of the Country, between the Appalachicola and St. Johns, but have received only the apparently imperfect accounts of some half-blooded Blacks and Indians, as to the Western Part of that Tract of Country. The Eastern Part is well known to many of the Inhabitants of this State, with whom I have conversed. From Amelia Island to the Lochway, the Country is for the most part what is here called pine barren, nearly level, intersected with Creeks and Ponds, bordered in many places with rich Hammock Land, which increases in quantity and quality as you approach the Lochway Towns. From thence to St. Mark's and Appalachicola, the Hammock Land is found in very considerable bodies ; much the largest portion of the Country however is poor, sandy, pine barren. The Hammock Lands afford great quantities of Live Oak, some Cedar, and other valuable Timber. There are several large Swamps on the route between the Lochway and St. Marks, which, during a season of rainy weather, are impracticable without the aid of Boats; but the Country being generally open, will admit of good roads when the weather is moderately dry.

I have not a doubt but the Army may march with considerable facility from the Appalachicola to St. Johns, or Amelia Island, with the aid of a few Vessels to send provisions, &c. from Fort Scott down the River, and thence coast-wise to the mouth of the Suwanny River, 130 miles East of the Appalachicola, and about 140 miles West S.W.

from Amelia Island. The last mentioned distance may be marched in 8 days, without Waggon or Baggage, the Troops carrying their own provisions in their haversacks. A movement from Amelia Island, by the way of St. Johns and Lochway, as you have suggested, would, I think, produce the desired effect, in co-operation with the Troops from Fort Scott. Upon this subject I shall confer with the Commander in Chief of the Division.

By a Letter from Major Bankhead, dated the 17th of this month, I learn that 2,000 Spanish Troops are reported to have arrived at St. Augustine. Although little reliance can be placed in the report received by Major Bankhead; yet, whether it be true or not, I am satisfied his Command (220 Men) is quite too small to admit of any detachment, other than that at Trader's Hill. There should indeed, be not less than this number stationed at and in the immediate vicinity of the Hill; and a much greater number upon the frontier between that point and this. By a Letter from W. Harris, Esq. of Telfair, I am informed that a party of Indians killed a Mr. Daniel Dikes and his Family, a few days past, on the St. Tilla, 40 miles from the Town of Jackson, Telfair Court-House. I immediately detached a Troop of Cavalry in pursuit of the Indians, and at the same time sent out a Detachment of Infantry, to reconnoitre the Country and to secure the intermediate Frontier from a similar outrage.

Accompanying this, I enclose a Monthly Return of the Detachment of Georgia Militia under Brigadier-General Glascock, which was received not until this day. I had confidently believed that the proper Returns of this Detachment had been duly forwarded by Major Nicks, who mustered and inspected the same, to the Adjutant and Inspector-General's Office.

With extreme regret I have to state, that the expected co-operation on the part of that Detachment has entirely failed. An attempt to obtain Volunteers, to continue in service until the arrival of the Detachment from Major-General Floyd's Division, produced but 40 Men. The enclosed Report of Major Wright, Assistant-Adjutant-General, contains a discouraging picture of that Detachment. It cannot be expected at this Place before the 10th of next month, nor is it probable that more than 250 or 300, out of the 500 called for, can be got into service.

The enclosed Papers No. 1 to 4, contain Copies of my last Correspondence with the Contractor's Agent.

The Acting Quarter-Master, Lieutenant Keiser, has purchased the greater part of the provision issued during the present month, and is now engaged in the purchase of 30,000 rations, the greater part of which is now on the way to Fort Scott, by the way of Flint River. To pay for these supplies, I have been under the necessity of borrowing 10,000 Dollars from the Governor of Georgia, upon a pro-

mise to replace the amount in 3 months from the 23rd Inst. I had taken the liberty to send to Augusta a Draft upon the Department of War for 15,000 Dollars, but could not obtain money on the Draft, without suffering a discount of $2\frac{1}{2}$ per cent. which was totally inadmissible.

The 15,000 Dollars forwarded by your Order being required to pay the expense of transportation, for which this sum will be insufficient, I have to request that you will be pleased to order the sum of 10,000 Dollars, on account of the supply of rations to be forwarded to his Excellency Governor Rabun, to replace that sum advanced by him.

I have, &c.

The Hon. John C. Calhoun.

EDMUND P. GAINES.

(Enclosure 1.)—General Gaines to Captain Callis.

SIR, *Head Quarters, Hartford (Geo.) 12th Jan. 1818.*

I HAVE received your Report, in which you state that you have some rations "on the way," but you do not state where, or in what quantities they are to be found. Let me be informed upon this subject without delay.

Having been informed by Brigadier-General Glascock that he has not been regularly supplied with rations by you; that he had advanced you 2000 Dollars, to purchase pork for the Detachment of Georgia Militia under his command, (which I directed you to forward to this Place, for that Detachment,) I learn that you have not complied with my requisition or order. Should this apparent neglect remain longer unexplained, your continuance as Contractor's Agent, or as sutler within the limits of my command, will be no longer tolerated.

Your most obedient Servant,

E. P. GAINES.

Captain O. W. Callis,

Major-General Commanding.

Contractor's Agent, Fort Hawkins, Georgia.

(Enclosure 2.)—Colonel Arbuckle to General Jackson.

SIR, *Fort Scott, 12th January, 1818.*

ON the 16th instant, I had the honor, to inform you of the arrival of the Vessels in charge of Brevet-Major Muhlenburg, and to enclose to you the resignation of 1st Lieutenant Sharp of the Corps of Artillery, the acceptance of which I recommended on account of his intemperate habits: since that period Lieutenant Johnson of the same Corps, has tendered his resignation, which is herewith enclosed. I would also recommend that his wish to leave the service should be gratified, as his conduct in a skirmish with the Indians some time since was not such as to evidence his being well qualified for the profession of arms. I have permitted him and Lieutenant Sharp to be absent

until the acceptance of their resignations may be published, unless otherwise ordered; and herewith enclosed is a Copy of Lieutenant Sharp's Letter of Resignation.

On the 4th instant I crossed the Flint River, about 14 miles above this Post, and proceeded to Fowle Town which had been destroyed. I burnt it, and on the next day arrived at Allapulges, a small Town about 14 miles south-east of this Post; it had also been abandoned, and the cattle and stock of every kind removed, as had been the case at Fowle Town. I am informed they have gone to or beyond the Oak-lockny River, there to place their women and property in greater security, and better prepare themselves for war. They continue to have considerable intercourse with the Indians on the Chattahoochie, many of whom were with them, and assisted in the destruction of Lieutenant Scott and his Party, and in the attack on our Vessels ascending the River, under the command of Brevet-Major Muhlenburg. You have herewith a Copy of a Letter from Mr. Irvin, commanding at Fort Gaines. I cannot believe the information it contains; yet I have been informed a few days since that the Indians on the Chattahoochie, below Fort Gaines, have received information from the Agent for the Creek Nation, that they are to use their pleasure in joining us, as we are the aggressors; but few of them require great inducement to act in the war, but most so on our side, and should the war with the Lower Creeks terminate on the terms represented by Mr. Irvin, it will risking but little to say the peace will be of short duration.

The Force of this place is much too small to advance against the Enemy, and I have not received the least information of the Georgia Militia or M'Intosh's Indians, except what is contained in Mr. Irvin's Letter, or a line from General Gaines since his departure.

I have but about 2 days' rations of meat, and something upwards of 30 days' rations of flour, on hand, and without advice of additional supplies being on the way; and should Captain Birch, who is now at Fort Gaines (with a command of 120 men) for the purpose of obtaining beef, not succeed, and the Contractor's Agents persist in neglecting their duty, much longer, the consequences must be greatly disastrous to the Troops and the Inhabitants of the Chattahoochie. I have sent Captain Cummings to the Bay, for the purpose of obtaining information, should any Vessel arrive there with provision, and will do all in my power to maintain my position; yet I do greatly fear my best exertions to do so will fail. I detached a Sergeant and 4 mounted men on express to Fort Hawkins, on the 21st ultimo, and have not since heard of them. I shall write to the Creek Agent by the present opportunity, and enclose to him a Copy of Mr. Irvin's Letter.

I am, &c.

Major-General Andrew Jackson.

M. ARBUCKLE

N. B. Since writing the above I have received a Letter from General Gaines, dated on the 20th ultimo at Hartford. The Contractor's Agent in that quarter I am informed has failed, and the Militia are now about 90 miles above this, badly supplied with provisions. Captain Birch has informed me that he will be able to obtain 30 or 40 head of beef cattle at Fort Gaines. He will be compelled to take them, as the People refuse to sell.

M. A.

(Enclosure 3.)—Captain Callis to General Gaines.

SIR,

Hartford, 24th January, 1818.

YOUR Communication of the 12th is received : to the several subjects therein referred, and to others I have the honor to reply as viz : The rations reported to have been on hand, were at Fort Hawkins, Creek Agency, Fort Mitchell, and Fort Gaines ; estimated at Fort Hawkins, say, 10 or 15,000 rations of pork and beef, and of flour, 4 or 5,000 rations ; at the Agency, 9,000 rations of flour, with a considerable quantity of the smaller parts ; at Fort Mitchell, 10,000 rations of flour, with a very small quantity of vinegar, and at Fort Gaines, say, 6 or 7,000 rations of flour.

The 2,000 dollars received of General Glascock, I did not understand was to be applied exclusively to the purchase of pork. My disbursements in the purchase of provision, have considerably exceeded that sum since the receipt of it, which was on the 10th of December last ; of the fact I shall be able to convince the General, by a reference to my books and other vouchers, on that subject. It is true, that the balance of pork left at Fort Hawkins, was not forwarded to this place, in compliance with your orders ; this non compliance, proceeded from no disposition to evade or treat with indifference, the order of the General, but for want of immediate means of transporting it. In short, allow me to assure you, Sir, that if I have, or if I may disobey your orders, it is alone ascribable to the want of the means for compliance. With regard to the flour, refused at Fort Hawkins, afterwards transported to, and sold at this place to the Troops, by Mr. Lavake, I report, that it was never the property of the Contractor, that it was inspected and refused as his ; that it was transported and sold by him, without the knowledge or consent of the Contractor or his Agent.

I have, &c.

Major Gen. Gaines.

O. W. CALLIS.

(Enclosure 4.)—Colonel Arbuckle to General Gaines.

SIR,

Fort Scott, 13th January, 1818.

I RECEIVED your Letter of the 20th ultimo, yesterday, after writing to Major General Jackson : a Copy of my Letter to him is enclosed, which will exhibit to you the state of things in this quarter.

I have heard nothing more of Colonel Brearly or the Militia, except that they were within 25 miles of the Flint River on the 4th inst. Brockman wrote me on that date, and informed me that he was engaged, procuring provisions for the Militia, the Contractor having failed to supply. This, with the information you gave on that subject, has induced me to contract with Mr. M'Culloh, to deliver 15,000 rations of meat, at this post, in 20 days from this time, at $12\frac{1}{2}$ cents per ration; should he fulfil his agreement, and Captain Birch succeed in procuring 30 or 40 head of beef cattle, I think that supply will last the Troops until provisions are received from New Orleans. Our horses have a distemper among them, which, I fear, will destroy a great number of them.

I am, &c.

Major Gen. Gaines:

M. ARBUCKLE.

(Enclosure 5.)—General Gaines to the Army Contractor at Fort Hawkins.

Head Quarters, Hartford, Georgia, 19th January, 1818.

THE Army Contractor is hereby required to provide for the daily issue of 2,000 complete rations, to United States' Troops and Militia, at the New Fort, now building on Flint River, near the Cheshaw Village, and to have in store, at that Fort, by the 20th day of next month, February, 60,000 complete rations; the meat part of which, to consist of good pickled pork or bacon.

E. P. GAINES,

Major-General Commanding.

Benjamin G. Orr, Esq. Army Contractor, or his Agent.

(Enclosure 6.)—Col. Arbuckle to General Glascock.

SIR,

Fort Scott, 18th January, 1818.

I HAVE received information this evening, which I have no doubt may be relied on, that the whole, or the greater portion of the hostile Indians, are to have a meeting somewhere near the mouth of Flint River, on the 21st instant, for the purpose of concerting measures for the destruction of the Inhabitants on the Chattahoochie, and the reduction of this Post. In the latter object they expect to succeed, owing to our want of supplies; and their calculations are not without a reasonable prospect of success, should not uncommon exertions be made to supply us from your quarter, as this Command has been without meat at this time for 5 or 6 days, and have barely a hope of receiving a temporary supply by a Command sent to Fort Gaines, for the purpose of collecting a few beef cattle.

I have heard from the Bay this evening, 1 Vessel had arrived there, with the clothing and military stores, having on board very little if any more provisions than will be required by the Command on

board of her, and without certain information of other Vessels being on the way.

I have to request you will let me hear from you without loss of time, and that you will inform me of the prospect of supplies from your quarter.

I am, &c.

Brigadier-General Glascock.

M. ARBUCKLE.

(Enclosure 7.)—*Captain Callis to General Gaines.*

SIR,

Hartford, 24th January, 1818.

I HAVE the honor to acknowledge the receipt of your requisition under date of the 19th, and to report that the Contractor cannot comply with it in full: but that there is engaged in the Contract to have been delivered at Fort Hawkins on the 20th of this month, 70,000 rations of pork, which, together with the provisions the money I have, or may have, will procure, shall be furnished the Troops.

I have, &c.

Major-General Gaines.

O. W. CALLIS.

No. 6.—*The Acting Secretary of War to General Gaines.*

(Extract.)

Department of War, 30th October, 1817.

I HAVE the honor to acknowledge the receipt of your Letter of the 1st instant, covering a Copy of the Reply which was made by 10 of the Seminole Towns, to the demand made by you on them, for the surrender of the murderers of some of our Citizens.

The Papers have been submitted to the President, and I am instructed by him to inform you, that he approves of the movement of the Troops from Fort Montgomery to Fort Scott. The appearance of this additional Force, he flatters himself, will at least have the effect of restraining the Seminoles from committing farther depredations, and, perhaps of inducing them to make reparation for the murders which they have committed. Should they, however, persevere in their refusal to make such reparation, it is the wish of the President that you should not *on that account* pass the line, and make an attack upon them within the limits of Florida, until you shall have received further Instructions from this Department.

You are authorized to remove the Indians still remaining on the lands ceded by the Treaty made by General Jackson with the Creeks; and, in doing so, it may be proper to retain some of them as Hostages, until reparation may have been made for the depredations which have been committed: on this subject, however, as well as on the manner of removing them, you will exercise your discretion. M^cIntosh and the other Chiefs of the Creek Nation, who were here some time since, expressed then, decidedly, their unwillingness to permit any of the hostile Indians to return to their Nation.

Major-General Gaines.

GEORGE GRAHAM.

P.S. The authority to remove the Indians will, of course, not extend to those Indians and their families who have claims to reservations of land under the Treaty.

G. G.

No. 7.—The Acting Secretary of War to General Gaines.

SIR, *Department of War, 2d December, 1817.*

YOUR Letter of the 9th ultimo, advising of the call on the Governor of Georgia, to assemble the Auxiliary Force which had been previously required by you at Fort Hawkins, on the 25th ultimo, has been received. It is hoped that the Letter addressed to you from this Department, on the 30th October, will have been received, and that you will confine your operations to the objects stated in that Communication, and to such a disposition of the Regular Force under your command, as will deter the Seminole Indians from making further depredations on the Frontiers of Georgia.

The state of our Negotiations with Spain, and the temper manifested by the principal European Powers, make it impolitic, in the opinion of the President, to move a Force at this time into the Spanish Possessions, for the mere purpose of chastising the Seminoles for the depredations which have heretofore been committed by them.

I have, &c.

Major-General Gaines.

GEORGE GRAHAM.

No. 8.—The Secretary of War to General Gaines.

SIR, *Department of War, 9th December, 1817.*

YOUR Letter, bearing date the 21st ultimo, advising of the arrival of the 1st Brigade at Fort Scott, on the 19th ultimo, and of the subsequent attack on the Indians at Fowl Town, has been received.

Although the necessity of this attack and the consequent effusion of blood is exceedingly to be regretted, yet it is hoped that the prompt measures which were taken by you, on your arrival at Fort Scott, and the display of such an efficient Force in that quarter, will induce the Indians to abstain from further depredations, and to sue for peace.

Referring to the Letters addressed to you from this Department on the 30th of October, and 2d of December, as manifesting the views of the President, I have to request that you conform to the Instructions therein given. Should the Indians, however, assemble in force on the Spanish side of the Line, and persevere in committing hostilities within the Limits of The United States, you will, in that event, exercise a sound discretion as to the propriety of crossing the Line, for the purpose of attacking them, and breaking up their Towns.

I have, &c.

Major-General Gaines.

J. C. CALHOUN.

No. 9.—The Secretary of War to General Gaines.

SIR,

Department of War, 16th December, 1817.

ON the receipt of this Letter, should the Seminole Indians still refuse to make reparation for their outrages and depredations on the Citizens of The United States, it is the wish of the President, that you consider yourself at liberty to march across the Florida Line, and to attack them within its limits, should it be found necessary, unless they should shelter themselves under a Spanish Fort. In the last event you will immediately notify this Department. I have, &c.

Major-General Gaines.

J. C. CALHOUN.

No. 10.—The Secretary of War to General Gaines.

SIR,

Department of War, 26th December, 1817.

YOUR Letters of November the 26th, and of the 2d and 3d instant, were received by this morning's mail. The fate of the Detachment under Lieutenant Scott is much to be regretted, but, under all the circumstances, no blame can attach to yourself, or the Officers immediately concerned. When the Order of the 12th of November was given, directing you to repair to Amelia Island, it was hoped that the Seminoles would have been brought to their reason, without an actual use of force, and that their hostility would not assume so serious an aspect. It is now a subject of much regret, that the service in that quarter has been deprived of your well-known skill and vigilance.

Before this will reach you, it is hoped that the views of the President, in relation to the Settlement on Amelia Island, will have been effected. Should that be the case, it is his wish, that you should immediately repair to Fort Scott, and resume the command till General Jackson's arrival, to whom orders have this day been sent, to take command there; or, if you should think the Force under your command sufficient, and other circumstances will admit, to penetrate through Florida, and co-operate in the attack on the Seminoles. I am not sufficiently acquainted with the topography of the Country between Amelia and their Towns, to say whether it is practicable, or what would be the best route; but it is not improbable that some advantage might be taken of the St. John's River, to effect the object. Should it be practicable, it is probable efficient aid might be given to the attack on them, as the attention of their Warriors must be wholly directed towards Fort Scott. Should you think it practicable and advisable to co-operate with the Force under your command, you will leave a sufficient number at Amelia Island, to retain the possession of that place. I have the honor to be, &c.

Major-General Gaines.

J. C. CALHOUN.

No. 11.—The Secretary of War to General Gaines.

SIR, *Department of War, 16th January, 1818.*

THE honor of the United States requires that the war with the Seminoles should be terminated speedily, and with exemplary punishment for hostilities so unprovoked. Orders were issued, soon after my arrival here, directing the war to be carried on, within the limits of Florida, should it be necessary to its speedy and effectual termination. The orders, I presume, have been received.

As soon as it was known that you had repaired to Amelia Island, in obedience to orders, and it being uncertain how long you might be detained there, the state of things at Fort Scott made it necessary to order General Jackson to take command there. From his known promptitude, it is presumable that his arrival may be soon expected, and, in the mean time, full confidence is placed in your well established Military talents. I hope the junction of the Militia will enable you to carry on offensive operations, and to restrain the Enemy from depredations on the Frontier.

I have, &c.

Major-General Gaines.

J. C. CALHOUN.

No. 12.—The Secretary of War to General Gaines.

SIR, *Department of War, 14th August, 1818.*

THE President having determined to restore St. Marks, and Pensacola, with the Barancas to the Spanish Authority, I am directed to issue orders, to carry this determination into effect. You will, accordingly, give the necessary orders to the Commandant at Pensacola, to surrender that Place with the Barancas, to any Spanish Officer properly authorized to receive them, authority from the Governor General at The Havannah, or the Spanish Minister, Don Luis de Onis, is considered sufficient, or in case the Governor late in possession of West Florida, Don Jose Mazot, should himself appear to receive possession, it will be restored to him, on his own authority. St. Marks will be restored to the late Spanish Commandant, should he appear to receive it, or to any Officer having similar authority, as in the case of Pensacola, provided he is accompanied with a sufficient Force to garrison it, so as to prevent the Post from being seized by the hostile Indians. Its situation in the midst of the hostile Indians, renders this precaution necessary. You, who have an accurate knowledge of the strength of the Indians, and of the Post, will be able to give precise instructions on this point. It is sufficient, that the Spanish Force be so considerable, as will probably prevent any attempt by the Indians to occupy it.

Public property will be restored in the condition, as far as practicable, in which it was taken possession of. On evacuating these

Posts, you will make such arrangements, as will be the best calculated to hold the Indians, still remaining hostile, in check, and to cover our Frontier. To effect these objects, it is thought, that it will not be necessary to take Post to the West of the Appalachicola, within the Florida Line, as the Indians in that quarter are said to be very inconsiderable. You will, accordingly, station the Troops which may be thought to be necessary for the protection of that portion of the Frontier, on our side of the Line, unless your impression should be decidedly different from that I have stated; in which event, you will take Post, at any point which you may judge proper, within the Country possessed by the Indians. On the East of the Appalachicola, you may station the Troops, on either side of the Line, as you may judge proper. Fort Gadsden, besides admitting of great facility for supplies, appears to me to be a very commanding position, and ought not to be evacuated. Should you think so, you will retain it, and garrison it with a sufficient Force.

I trust you will be able to make such a distribution of your command, as to afford with vigilance, effectual protection to the Frontier, without resorting to the Militia. It is of great importance, if the Militia can be dispensed with, not to call them out into actual service, as it is harassing to them, and exhausting to the Treasury. Protection is the first object, and the second, is protection by the Regular Force.

I have, &c.

Major-General Gaines.

J. C. CALHOUN.

No. 13.—The Secretary of War to General Gaines.

SIR,

Department of War, 19th August, 1818.

I SEND you the enclosed Extract from the Letter of the Secretary of State to the Spanish Minister, in relation to St. Marks and Pensacola. My Instructions to you of the 24th inst. contain the substance of this Extract; and my object, in communicating it now, is, that you may be in possession of the precise ideas communicated to the Spanish Minister, in case any difficulty should occur.

I have &c.

Major-General Gaines.

J. C. CALHOUN.

No. 14.—The Governor of Alabama to the Secretary of War.

Coosada, (near Fort Jackson,)

SIR,

27th March, 1818.

HAVING arranged the affairs of the Territory, as far as was practicable, I left St. Stephen's the 14th instant, with the intention of proceeding to Georgia for my Family. At the Town of Claiborne, the next day, intelligence reached me, that on the night of the 13th in-

stant, a party of Indians had attacked a house on the Federal Road, about 50 miles distant from that Place, and murdered 8 Persons. I immediately ordered a Detachment of mounted Militia into service, and proceeded with them to the Place. At the same time, apprehending the Murderers might attempt to escape to Florida, the asylum for our Enemies, I transmitted a Communication by express to the Commanding Officer at Fort Crawford, notifying him of my arrangements, and desiring a Force to be sent from the Fort in 2 Detachments along certain routes to the place of rendezvous. The express was also instructed to overtake me. I accordingly received information from Major Youngs, that my request had been executed. The Detachments were marched with a promptitude honorable to the Major; and I trust, they will be enabled, with the aid of the Militia, to arrest the progress of the hostile Party.

Understanding that the Inhabitants in this quarter, considered themselves in much danger, I issued the necessary orders for the disposition of the Troops, and proceeded hither. I have since been *correctly* informed, that the morning I left the place of rendezvous, 6 Men riding on the road in that neighborhood, were fired on by the Indians, 3 killed, and 1 wounded; in this state of things, it is indispensable to the safety of the Country, that Troops should be stationed at several points; and I have taken measures, as far as I can, for that object. I have also issued an Order, that all Indians who are hunting in our woods, depart forthwith to their Nation. It has become necessary to their safety, and to the repose of the Inhabitants. We cannot distinguish the hostile from the friendly Party, and such is the state of alarm, that the sight of an Indian, creates among the Women and Children, the most frightful apprehensions. I have sent a Letter to the Big Warrior, requesting him to call his People home, and assuring him that my Order is dictated by the most friendly motives.

Is it not probable, that when the Seminoles are pressed by General Jackson in the neighborhood of Apalachicola, they will retreat to our Frontiers, and take revenge on our defenceless Inhabitants? I look for it; and am without the means of resistance. There are not more than 100 Regulars at Fort Crawford, and two-thirds of the Militia of the Territory are not yet organized; nor can I organize them, and appoint the Officers, until the Country is laid off into proper beats. So soon as the Legislature arranged the Counties, I issued the necessary Instructions on that subject, but owing to the high waters, and the want of bridges, it is impossible to have them executed at present. There is not, moreover, nor has there been, 1 dollar in our Treasury. You will readily perceive my embarrassments, and I earnestly entreat you, to place funds at my disposal for the protection of the People;

and, if practicable, to order a much larger number of Regular Troops to our Frontiers.

I shall make this my head quarters for some weeks.

I have, &c.

The Hon. John C. Calhoun.

WM. W. BIBB.

No. 15.—The Governor of Alabama to the Secretary of War.

DEAR SIR,

Manack's, 15th April, 1818.

SINCE I last wrote to you, I have received intelligence which makes it necessary for me to return to St. Stephen's. I learn that the Indians who committed the late murders in this neighborhood, were seen a few days since at Pensacola. My situation is extremely unpleasant. I am without funds for the protection of the Territory, and totally ignorant of the views of the Government with respect to Florida. A friendly and intelligent Indian has informed me that the hostile Party by whom we have been annoyed, are 2 miles south of the Florida line, on a creek called Yellow Water, from whence they make incursions among us. And yet I have received no intimation from the Executive of The United States, which authorizes me to send Troops into the Spanish Territory. What orders have been issued to General Jackson, on that subject, I know not; nor indeed am I acquainted in any degree with the arrangements on the part of The United States, for prosecuting the present War.

I should be glad to ascertain the views of the Government. We have no mails at present, and I send this Letter to Georgia by Travellers, whom I have met this evening on my route to St. Stephen's.

Your obedient Servant,

The Hon. J. C. Calhoun.

WM. W. BIBB.

No. 16.—The Secretary of War to the Governor of Alabama.

SIR,

Department of War, 13th May, 1818.

YOUR Letter of the 15th April was a few days since received. Not anticipating your return to the Territory, my last Communication was directed to your former residence in Georgia; but I presume it has been forwarded to you, and I will not, therefore, repeat its contents. I do hope that the War has ere this terminated in the submission of the Seminoles; but if this should not be the fact, you will make such arrangements, and incur such expense as in your judgment, the defence of the Territory may require. You are authorized to draw on the Department for funds to cover the disbursements you may order. Enclosed is a Copy of the Order authorizing General Gaines to carry the War into Florida; and you will consider it as furnishing authority to the Troops of the Territory to pass the Florida Line, should it be necessary. I send also a Copy of a Message of the President, com-

communicating information in relation to the Seminole War. General Jackson is vested with full powers to conduct the War, in the manner which he may judge best. I have, &c.

His Excellency Wm. W. Bibb.

J. C. CALHOUN.

No. 17.—The Secretary of War to General Jackson.

SIR,

Department of War, 26th December, 1817.

You will repair with as little delay as practicable, to Fort Scott, and assume the immediate command of the Forces, in that Quarter, of the Southern Division.

The increasing display of hostile intentions by the Seminole Indians, may render it necessary to concentrate all the contiguous disposable Force of your Division, upon that Quarter. The Regular Force now there, is about 800 strong, and 1,000 Militia of the State of Georgia, are called into service: General Gaines estimates the strength of the Indians at 2,700. Should you be of opinion, that our numbers are too small to beat the Enemy, you will call on the Executives of the adjacent States, for such an Additional Militia Force as you may deem requisite.

General Gaines had been ordered early in last month, to repair to Amelia Island. It is presumed that he had therefore, relinquished the command at Fort Scott. Subsequent orders have been issued to the General, (Copies of which will be furnished to you) advising him, that you would be directed to take command, and directing him to reassume, should he deem the public interest to require it, the command at Fort Scott, until you should arrive there. If, however, the General should have progressed to Florida, before the subsequent orders may have reached him, he was instructed to penetrate to the Seminole Towns, through Florida; provided the strength of his command at Amelia would justify his engaging in offensive operations. With this view, you may be prepared to concentrate your Force, and to adopt the necessary measures to terminate a conflict, which it has ever been the desire of the President, from considerations of humanity, to avoid; but which is now made necessary by their settled hostilities.

I have, &c.

Major-General Jackson.

J. C. CALHOUN.

No. 18.—The Secretary of War to General Jackson.

(Extract.)

Department of War, 29th January, 1818.

YOUR Letters of the 12th and 13th instant, are received. The measures you have taken to bring an efficient Force into the field

are approbated, and a confident hope is entertained that a speedy and successful termination of the Indian War will follow your exertions.

I have, &c.

Major-General Jackson.

J. C. CALHOUN.

No. 19.—The Secretary of War to General Jackson.

SIR,

Department of War, 6th February, 1818.

I HAVE the honor to acknowledge the receipt of your Letter of the 20th ultimo, and to acquaint you with the entire approbation of the President of all the measures which you have adopted to terminate the rupture with the Indians.

The honor of our Army, as well as the interest of our Country, requires that it should be as speedily terminated as practicable; and the confidence reposed in your skill and promptitude assures us that Peace will be restored on such conditions as will make it honorable and permanent.

I have, &c.

Major-General Jackson.

J. C. CALHOUN.

No. 20.—The Secretary of War to General Jackson.

SIR,

Department of War, 14th August, 1818.

I ENCLOSE for your information, a Copy of the Orders to General Gaines, growing out of the late decision of the President, relative to St. Marks and Pensacola.

I was directed by the President to wait the reply of the Spanish Minister to Mr. Adams' Letter to him, which, not being received until the day before yesterday, has caused so great a delay, as to render it necessary to send the Orders direct to General Gaines, without passing them through you.

I have, &c.

Major-General Jackson.

J. C. CALHOUN.

No. 21.—General Jackson to the Secretary of War.

Nashville, 20th January, 1818.

(See Vol. 1819, 1820. Page 805.)

No. 22.—General Jackson to the Secretary of War.

(Extract.)

Fort Hawkins, 10th February, 1818.

I REACHED this place last evening, when I learned by sundry Communications received from Brevet Major-General Gaines, that the Georgia Militia, under General Glascock, had all returned home, leaving the Frontier in a very exposed situation. The Regular Troops at Fort Scott have been out of provisions, but the means adopted by Major-General Gaines to remedy that evil, induces a strong presumption, that they are by this time supplied, which, with the stores ordered by me from New Orleans, will, I think, afford us an ample supply for the Campaign. The Contractor having failed, General Gaines has, by

my order, directed the Quartermaster to purchase provisions, in which he has succeeded so far as to procure 1100 hogs, and a sufficiency of bread stuff; this will march the Troops to and from the seat of War.

I am without any official advice as to the preparation and march of the late requisition from the State of Georgia.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

No. 23.—General Jackson to the Secretary of War.

Head Quarters, Division of the South,

(Extract)

Hartford, Georgia, 14th February, 1818.

I ARRIVED at this place on the evening of the 12th, and here met with General Gaines. From a Letter received from the Governor of Georgia, advising of the movement of the Militia from the several Counties to the designated point of rendezvous, as well as the punctuality with which the Troops have assembled here under General Gaines' requisition, has induced a hope that I shall be enabled to make a prompt and speedy march, for the relief of Fort Scott. I enclose you a Copy of a Letter from Colonel B. G. Orr to Captain Callis, Contractor's Agent at Fort Hawkins. From the sum with which he states to have furnished his Agents in this Country, you can judge how far efficient means have been adopted to ensure the necessary supplies to the Troops heretofore in service, as well as those summoned to the field under the late requisition. The mode of provisioning an Army by Contract, is not adapted to the prompt and efficient movement of Troops. It may answer in time of profound peace, where a failure or delay cannot produce any serious ill consequences. But where active operations are necessary, and success dependent on prompt and quick movements, there is no dependence to be placed on the Contractor.

His views are purely mercenary, and where supplies will not ensure him a profit, he hesitates not on failure, never regarding how far it may defeat the best devised plans of the Commander-in-Chief. Experience has confirmed me in this opinion, and the recent failure has prompted me again to express it.

The plan which has been adopted to procure the necessary supplies for the Army, to transport them to Fort Scott, and the quantity otherwise ordered to that point, will, I hope, relieve me from any embarrassment on that account, until a decisive blow has been struck upon the Enemy.

I have been so frequently embarrassed from the failures of Contractors, that I cannot but express a hope that some other more efficient and certain mode of supplying our Army, may be adopted. Such a plan as will render those charged with the execution of so important a trust responsible to military authority, and expose them

to severe and merited chastisement, whenever Defaulters, at the discretion of a Court-Martial.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

No. 24.—General Jackson to the Secretary of War.

Head Quarters, Division of the South,

SIR,

Fort Early, 26th February, 1818.

IN my last from Hartford, (Georgia) of the 14th instant, I expressed a hope, that the plans adopted to procure supplies for the Detachment from Georgia, to transport them to Fort Scott, together with the quantity ordered to that point, would relieve me from many embarrassments on that account, until a decisive blow could be struck upon the Enemy. The Georgia Detachment marched from their encampment near Hartford, on the 19th instant, and on that night General Gaines received a Letter from Lieutenant Colonel Arbuckle, Commanding at Fort Scott, containing such intelligence of his intention to abandon that post, in the event of not receiving supplies in a short given time, as induced him (General Gaines) to set out that night, and if possible, by reaching the place in time, to prevent such a disastrous movement.

The General has, as he communicated to me, ordered a large supply of provisions to the Creek Agency, to be transported in boats to Fort Scott and this place, which would serve until that ordered from Mobile (by himself) should arrive: and under that order did calculate on meeting 2 boats loaded with flour on his reaching this place, but was deceived; having arrived here on the night of the 20th, which he left on the evening of the 21st, in a small boat with 12 men. On the night of the 22nd, I received by express a Letter directed to General Gaines, and dated the 19th instant, from Captain Melvin of the 4th Infantry, who had been charged by General Gaines to build the boats at the Agency, and have the provisions transported thence, stating that 2 boats would be finished in 2 days, which would transport upwards of 100 barrels of flour each. These I had strongly calculated on; but they have not arrived. These excessive rains have rendered the roads so bad, that I ordered the Troops, on their march, here, to take their baggage on the waggon horses, and abandon their waggons; this facilitated their march to this place, which they reached to day; and 1100 men are now here without a barrel of flour or a bushel of corn. We have pork on foot, and to morrow I shall proceed to Fort Scott, and endeavor to procure from the Indians a supply of corn that will aid in subsisting the detachment until we reach that place. How those failures have happened under the superintendence of regular Officers, I cannot imagine, but blame must rest some where, and it shall be strictly investigated, as soon as circumstances will permit.

The waters are unusually high and the ground so rotten, that it is

with much difficulty even pack horses can pass. Every stream we are compelled either to bridge or swim.

I have, &c.

The Hon. John C. Calhoun.

ANDREW JACKSON.

No. 25.—General Jackson to the Secretary of War.

*Fort Gadsden, East Bank of the Appalachicola River,
formerly Negro Fort,*

SIR, *Head-Quarters, due South, 25th March, 1818.*

AT 7 o'clock, P. M. on the 9th instant, I reached Fort Scott, with the Brigade of Georgia Militia, 900 bayonets strong, and some of the friendly Creeks, who had joined me on my march, a few days before, where, finding but one quart of corn per Man, and a few poor cattle, which, added to the live pork I brought along, would give us three days' rations of meat, determined me at once to use this small supply to the best advantage. Accordingly, having been advised by Colonel Gibson, Quartermaster-General, that he would sail for New Orleans on the 12th of February, with supplies, and being also advised that two Sloops with provisions were in the Bay, and an Officer had been despatched from Fort Scott, in a large Keel-boat, to bring up a part of their loading, and deeming that the preservation of these supplies would be to preserve the Army and enable me to prosecute the Campaign, I assumed the command on the morning of the 10th, ordered the live stock slaughtered, and issued to the Troops, with one quart of corn to each Man, and the line of march to be taken up at 12 meridian. Having to cross the Flint River, which was very high, combined with some neglect in returning the Boats during a very dark night, I was unable to move from the opposite bank until 9 o'clock on the morning of the 11th, when I took up my line of march down the east bank of the River for this Place, touching the River as often as practicable, looking for the provision Boat which was ascending, and which I was fortunate enough to meet on the 13th, when I ordered an extra ration to the Troops, they not having received a full one of meal or flour since their arrival at Fort Early. On that day my patrols captured 3 prisoners and found some hidden corn. On the morning of the 14th, I ordered the Boat down the River to this Place, whilst I descended by land, and reached here without interruption on the 16th. The eligibility of this spot as a Depot, determined me, and I immediately directed my Aid-de-camp, Lieutenant Gadsden, of the Engineer Corps, to furnish a place for, and superintend the erection of, a Fortification. His talents and indefatigable zeal displayed in the execution of this order, induced me to name it Fort Gadsden, to which he is justly entitled. On my arrival here, I immediately despatched the Boat to the Bay for the balance of the provisions known to be there, and to ascertain whether the Flotilla, in charge of Colonel Gibson, had

reached there, and which returned on the 19th with the unpleasant intelligence, that nothing had been heard from the Flotilla from New Orleans, since it was seen passing Fort Bowyer. I immediately put the Troops on half rations, and pushed the completion of the Fort for the protection of the provisions, in the event of their arrival, intending to march forthwith to the heart of the Enemy, and endeavour to subsist upon him. In the mean time, I despatched Major Fanning, of the Corps of Artillery, to take another look into the Bay, whose return on the morning of the 23rd, brought the information that Colonel Gibson, with 1 Gun Boat and 3 Transports, and others in sight, were in the Bay. On the same night I received other information that no more had arrived. I am therefore apprehensive that some of the smaller Vessels have been lost, as 1 Gun Boat went to pieces, and another when last spoken, had 1 foot water in her hold; all the Vessels had been spoken after a gale that dispersed them. A north and northwest wind has prevailed for 6 days, but has fortunately changed this morning. I am now awaiting a Boat from the Bay (which is expected to-day) to complete 8 days rations for my Troops, upon which I mean to march.

From information received from Pensacola and New Orleans, I have no doubt but that St. Marks is in possession of the Indians. The Governor of Pensacola informed Captain Call, of the 1st Infantry, (now here) that the Indians had demanded Arms, Ammunition, and Provisions, or the possession of the Garrison of St. Marks, of the Commandant, and that he presumed possession would be given from inability to defend it. The Spanish Government is bound by Treaty to keep her Indians at peace with us. They have acknowledged their incompetency to do this, and are consequently bound by the Law of Nations, to yield us all facilities to reduce them. Under this consideration, should I be able, I shall take possession of the Garrison as a Depot for my Supplies, should it be found in the hands of the Spaniards, they having supplied the Indians; but if in the hands of the Enemy, I will possess it for the benefit of The United States, as a necessary position for me to hold, to give peace and security to this Frontier, and put a final end to Indian warfare in the South.

Finding it very difficult to supply Fort Crawford on the Canecub by land, I have ordered the supplies for that Garrison by water, and written to the Governor of Pensacola, that if he interrupts them during the present Indian War, I shall view it as aiding our Enemy, and treat it as an act of hostility; and stated to him the propriety under existing circumstances, of his affording all facilities to put down their own as well as our Enemies, and that our Governments, while negotiating, can take the subject under consideration, but in the mean time our provisions must pass to Fort Crawford by water, without interruption.

In mine of the 14th February, from Hartford, I informed you of the means adopted to procure Supplies; and in my last, of the 26th, from Fort Early, I informed you of their situation. To these Communications I beg leave to refer you, I have only to add, that I left Fort Early for Fort Scott, and subsisted my Troops on ground peas, corn, and pork, that I could occasionally procure from the Indians, with some pork that I had on foot; the whole subsistence for Man and Horse not costing 500 Dollars. Of all the Supplies purchased for the relief of Fort Scott and the support of the Georgia Militia, not one pound was received until I passed Fort Scott. I said in my last that blame rested somewhere; the cause of those failures will, in due time, be a subject of investigation; and Colonel Brearley has been arrested, on the application of General Gaines.

By some strange fatality, unaccountable to me, the Tennessee Volunteers have not yet joined me. They promptly left their homes, and through the inclement weather reached Fort Mitchell, where I had ordered them supplies, and where Colonel Hayne, who led them, met my Instructions to pass by Fort Gaines, where he would get a supply of corn, that would enable him to reach Fort Scott. But the idea of starvation had stalked abroad; a panic appears to have spread itself every where, and he was told that they were starving at Fort Gaines and Fort Scott, and he was induced to pass into Georgia for supplies. His Men and Officers, as reported to me, were willing to risk the worst of consequences, on what they had, to join me; however, they have been marched from their supplies to a Country stripped of them, when every consideration should have induced his advisers to have urged him on to secure the supplies in the Bay, and preserve themselves and Fort Scott from starvation. I have a hope they will join me before I reach St. Marks, or the Mekasuky Towns; this would be desirable, as the Troops ordered from New Orleans, to protect the supplies, have not reached the Bay; and leaving Garrisons at Forts Scott and Gadsden weakens my Force much; the whole effective strength of the Regulars being but 360 Privates.

In mine, of the 26th ultimo, from Fort Early, I stated that Despatches received from General Gaines, on the 19th instant, from the Commanding Officer at Fort Scott, induced him to set out that night for Fort Scott, to prevent its abandonment, &c. In his passage down the Flint he was shipwrecked, by which he lost his Assistant Adjutant-General, Major C. Wright, and 2 Soldiers drowned. The General reached me 6 days after, nearly exhausted by hunger and cold, having lost his baggage and cloathing, and being compelled to wander in the woods 4½ days without any thing to subsist on, or any cloathing except a pair of pantaloons. I am happy to have it in my power to say that he is now with me, at the head of his Brigade, in good health.

[1817—18.]

The great scarcity of Subaltern Officers in the 4th and 7th Regiments of Infantry, has induced me to appoint several young men, present, as 2nd Lieutenants in the Regiments, who, from personal knowledge and good recommendations, I have no doubt will prove themselves worthy, and I trust will meet with the approbation of the President. A list of their names, and the Regiments to which they are attached, will be furnished the Adjutant and Inspector-General, by my Adjutant-General.

I have, &c.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

P. S. Since writing the above, I have the pleasure to inform you, that the Boat from the Bay has arrived with provisions; also Colonel Gibson and Captain M'Keever of the Navy. I shall move to-morrow, having made the necessary arrangements with Captain M'Keever for his co-operation, in transporting my supplies around, to the Bay of St. Marks, from which place I shall do myself the honor of communicating with you. Should our Enemy attempt to escape with his supplies and booty to the small Islands, and from thence to carry on a predatory warfare, the assistance of the Navy will prevent his escape.

General M'Intosh, commanding the Friendly Creeks, who had been ordered to reconnoitre the right bank of Appalachicola, reported to me on the 19th, that he had captured, without the fire of a gun, 180 women and children, and 53 Warriors of the Red Ground Chief's Party, with their cattle and supplies;—the Chief and 30 Warriors making their escape on horseback. 10 of the Warriors attempting to escape after they had surrendered, were killed by the General.

A. J.

(No. 26.)—*General Jackson to the Secretary of War.*

Camp near St. Marks, 8th April, 1818.

[See Vol. 1818, 1819. Page 409.]

(No. 27.)—*General Jackson to the Secretary of War.*

Camp, 16 miles from St. Marks, on march to Suwaney,

(Extract.)

9th April, 1818.

FROM evidence furnished me by a Mr. Hambley, there is little room to doubt but that one of the Chiefs found slain on the field in advance of the Mekasukian Villages, was Kenhajee. Francis, or Hills Hago and Hemattlemico, the prime instigators of this war, have been hung; the latter commanded the party who so inhumanly sacrificed Scott and his Companions. Colonel Dyer with the remainder of the Tennessee Volunteers, is in the Neighborhood, and will unite with me to-morrow.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

No. 28.—*General Jackson to the Secretary of War.*

Bowlegs' Town, Suwaney River, 20th April, 1818.
[See Vol. 1818, 1819. Page 470.]

No. 29.—*General Jackson to the Secretary of War.*

Fort St. Marks, 26th April, 1818.
[See Vol. 1818, 1819. Page 473.]

No. 30.—*General Jackson to the Secretary of War.*

Fort Gadsden, 5th May, 1818.
[See Vol. 1818, 1819. Page 473.]

(Enclosure.)—*Adjutant-General Butler to General Parker.*

*Head Quarters, Division of the South,
Adjutant-General's Office, Fort Gadsden,
Appalachicola River, 3rd May, 1818.*

SIR,

I HAVE the honor to report, that the Army under the immediate Command of Major-General Andrew Jackson, took up the line of march on the 26th day of March last with 8 days rations, and lay in advance of this Post about 6 miles. On the 29th at 11 o'Clock A. M., he reached Ocklockany River, when 19 Canoes were made, and the principal part of the Army crossed by 8 o'Clock P. M., the residue early next morning, when the march was again resumed at 11 o'Clock A. M. On this evening, Brevet-Major Twiggs, of the 7th Infantry, was detached with 1 Company and about 200 Warriors with orders to advance on an Indian Village called Tallahassee, and surprise it at day-break; on his near approach he despatched a Party to ascertain its situation, who reported it evacuated some days before. On the morning of the 31st he entered the Village, having previously sent out Parties to reconnoitre: 2 of the Enemy were made Prisoners, 1 of whom made his escape from the Indians before he was brought into Camp. The Army passed the Village about 12 o'Clock and encamped near Mickasuky, when intelligence was received of the approach of a Detachment of Mounted Volunteers from Tennessee, under the command of Lieutenant-Colonel Elliott, near 400 strong. On the morning of the 1st of April, the Army formed and halted until their arrival, when they were ordered to form the advance of each flank, with Captains Russell and Evan's Companies in front, as Spies, with Captain John Gordon. The Army now advanced within 1½ mile of Kinghajah's Town, where a number of Indians were discovered herding cattle on the margin of a large pond. The General ordered the right and left Columns to advance, with a view of cutting off their retreat, at the same time instructing the Advance Light Company, under Major Muhlenberg, the Guard under Major Nicks, together with the small Companies composing his Life Guard, under Captains Dunlap and Crittenden, to ad-

vance in support of the Spies, in the event of a general engagement. The Spy Companies commenced the attack, and a brisk running fire was kept up on both sides for some minutes, when the Enemy divided, the Spy Companies pursuing those on the right, and Lieutenant-Colonel Elliott, having turned their flank, became generally engaged, and bore them over to the left column, under the command of Lieutenant-Colonel Mitchell, within half gun-shot of each other, when they were assailed by both flanks and would all have fallen, had not the Volunteers taken up the impression (from the similarity of dress) that some of the friendly Warriors had reached in pursuit of the Enemy, which occasioned the firing to cease for a short time, when a number made good their retreat into the swamp. Captain Crittenden's Company being on horseback was unable to reach the head of Lieutenant-Colonel Elliott's column, when they dismounted and operated against the Enemy. Major Muhlenberg's Company, the Advance Guard, and Captain Dunlap's Company, being on foot, was not able to reach the scene of action in time. The right column of Georgia Militia, on nearing the pond filed round it, and Colonel King, with his Regiment, was ordered to advance through it to support the column of horse should it be found necessary, which was executed by the Colonel with great promptness. The conduct of the Officers and Soldiers engaged on this occasion was in every respect praiseworthy. Our loss, 1 man of Captain Andrew's Company killed, and 4 of Captain Evan's Company of Tennessee Volunteers wounded; the Reports give 14 killed and several wounded of the Enemy, and 4 women prisoners, from whom we learned that 300 Warriors had advanced from the Town to aid those engaged, and on seeing the advance of an Army, fled precipitately. The Army now advanced upon the Town, (which was found deserted by the Enemy,) and on reaching the *Square* discovered a Red Pole planted at the Council House, on which was suspended about 50 fresh scalps, taken from the heads of extreme age, down to the tender infant, of both sexes; and in an adjacent house, near 300 men, which bore the appearance of having been the barbarous trophies of settled hostility for 3 or 4 years past.

The Army continued the pursuit to a large pond of water, which is 8 miles in length, varying in width from 600 to 4,000 yards, and from 2 to 5 feet deep, through which the Army passed, when the approach of night induced the Commanding General to draw off his Troops. On the succeeding morning, Brevet Major-General E. P. Gaines, with a large Command, was ordered to pass the Lake or Pond and attack the other Towns, but which he found abandoned by the Enemy; the Red Pole was again found planted in the Square of Fowl Town, barbarously decorated with human scalps, of both sexes, taken within the last 6 months from the heads of our unfortunate Citizens. General M'Intosh, who was with General Gaines, routed a small party

of Savages near Fowl Town, killed 1 Negro, and took 3 prisoners, on one of whom was found the coat of James Champion, of Captain Cumming's Company, 4th Infantry, who was killed by the Indians on board one of our boats descending the river to the relief of Major Muhlenberg; this coat, together with nearly all Captain Cumming's Company's clothing, was lost on board Lieutenant Scott's boat, when he and his Party were massacred on the 30th November last. The pocket-book of Mr. Thomas Leigh (who was murdered at Cedar Creek, on the 21st January last,) was found in Kinghajah's Town, containing several Letters addressed to the deceased, and one for General Glascock. About 1,000 head of cattle fell into our hands, many of which were recognized by the Georgia Militia, by the brands and marks of their Citizens: near 2,000 bushels of corn was found, with other articles useful to the Army. Upwards of 300 houses were consumed, leaving a tract of fertile country in ruin, where these wretches might have lived in plenty, but for the infernal machinations of *Foreign Traders*, if not *Agents*. The Army remained at the point until the morning of the 5th, when the march was resumed for St. Marks, before which it arrived on the evening of the 6th, and after communicating with the Commanding Officer, took possession of that Fortress. On the following morning, Captain M'Iver of the Navy, having sailed for St. Marks, with some Vessels containing supplies for the Army, was fortunate enough to entice on board his Vessel in the river, Francis or Hillishajo and Homothlamicco, hostile Chiefs of the Creek Nation, and whose settled hostility has been severely felt by our Citizens. The Commanding General had them brought on shore, and ordered them to be hung as an example to deter others from exciting those deluded wretches to future scenes of butchery. A man of the name of A. Arbuthnot was also taken on the arrival of the Army, and placed in close confinement.

The Troops having again received 8 days' rations, and a Garrison detached for Fort St. Marks, the Army moved on the 9th of April, destined for Suwany. On the morning of the 12th, the Officer of the day reported that the Sentinels had heard the lowing of cattle and barking of dogs during the night, from which the General was induced to send a Runner to General M'Intosh, who encamped a short distance in rear of the Army, with Instructions to have the Country below examined; in the mean time the Army moved slowly in advance. General M'Intosh despatched Major Kanard with a Party, who returned to him a Runner, reporting the discovery of a hostile Party, too strong for his little band of Warriors. M'Intosh moved against them with his whole Force. A small detachment of different Companies of the Tennessee Volunteers, under Colonels Dyer and Williamson (they having joined the Army on the evening of the 10th,) were left at our encampment to search for horses, and on hearing the Report of Major

Kanard, formed themselves into a Company under Captain Bell, who was with them, and moved to attack the Enemy, whom they found near a large swamp endeavoring to move off. A spirited engagement ensued, which resulted in the death of 37, and 6 men and 98 women and children prisoners; and our loss, 3 killed and 4 wounded, of the friendly Indians. The only woman, out of 7, whose life was spared at the massacre of Lieutenant Scott, was here recaptured by Major Kanard. General M'Intosh individually killed 3 of the Enemy, and captured 1. The little band of Tennessee Volunteers acted on this occasion as becomes their character. At the commencement of the action, the Army was halted, and a Runner despatched to inform General M'Intosh that any aid he might deem necessary would be afforded, and that the Army would remain until his arrival; which was not until we encamped for the night. The Enemy abandoned a number of horses, hogs, corn, and about 600 head of cattle.

The Army moved on the morning of the 13th, and on the succeeding day, our Spies surprised a camp, consisting of 2 men, a woman, and 2 children, one of the men was killed, the other with a small boy slightly wounded, and the woman, unfortunately, not being distinguished in the swamp, received a wound, of which she died.

At 3 o'clock. P.M. on the 16th, the Army arrived at a large pond, within 6 miles of Bowlegs' Town, on Suwany River, where a few Indians, well mounted, discovered our advance; an attempt was made to overtake them, but the enfeebled state of our horses rendered it impracticable: under these circumstances the General deemed it advisable to make the Town by a forced march, not allowing the Enemy time to cross the River, and destroy their supplies. The manner of attack having been previously arranged, the Army moved rapidly until arriving near the large which flanks the Town, when the Troops changed position conformably to previous orders, and moved forward. The left flank, composed of Colonel Williamson's Regiment of Tennessee Volunteers, at the head of which a Force of Indian Warriors under Major (now Colonel) Kanard, soon came in contact, and warmly engaged the Indians and Negroes; whilst the right flank, composed of Colonel Dyer's Regiment of Tennessee Volunteers, with a like Force of Warriors under General M'Intosh, advanced near the River to prevent the Enemy from crossing. The centre advanced in excellent order, and under the expectation of having to combat with the strength of these Towns and the Fugitives from Mickasuky, but on reaching Bowlegs' Town, found it abandoned. The left flank, from the nature of the ground they had to traverse, and Colonel Kanard not adhering entirely to the route designated, drove the Indians and Negroes, (about 300) into the river, before the right flank could occupy the desired position. The Reports give 11 killed and 3 Prisoners, on the field, and it is believed many were killed and drowned in swimming

the river, it being nearly 300 yards wide. Colonel Kanard had 18 wounded; but 1 dangerously. About 2,700 bushels of corn was obtained in the Towns and neighboring swamps, near 90 head of cattle, and a number of horses.

Our Centinels on the night of the 17th, took prisoners 2 White Men (Ambrister and Cook) and 1 Negro, who had just returned from Arbuthnot's Vessel, at the mouth of Suwany. From the latter we obtained a Letter, written by A. Arbuthnot to his Son, in which he enumerates the Army of The United States under the General's command, and requires him to inform his friend Bowlegs, that resistance would be fruitless against such an overwhelming Force, and to make over the river with all despatch; admonishing his Son, at the same time, to remove and secrete every thing which could be moved. From Cook we learned that this Letter was read to the Negroes and Indians, when they immediately commenced crossing with their families, and had just finished as we entered the Towns; upwards of 300 houses were here consumed, the most of which were well built and somewhat regular, extending near 3 miles up the river. On the morning of the 18th, General Gaines was ordered with a select command, and a number of Warriors under General M'Intosh, to cross the Suwany River in pursuit of the Enemy; but found, on advancing about 6 miles, that they had dispersed in every direction, from the numerous trails, and were too far advanced to overtake them; his command being short of supplies. A Detachment of Warriors having advanced some distance, fell in with a small party of the Enemy, killed 3 Warriors, took some Women and Children and 5 Negroes. On the same morning Lieutenant James Gadsden, Aid-de-Camp to the Commanding General, descended the Suwany River to its mouth, with Captain Dunlap's and a few of Captain Crittenden's Companies of the Life Guards, and a small detachment of Regulars, and captured, without difficulty, the Schooner of A. Arbuthnot, which had brought supplies of powder and lead to the Indians and Negroes settled at Suwany. This Vessel afforded the means of transporting our sick back to St. Marks.

On the evening of the 20th, General Glascock was ordered (at his request) to march his Brigade by Micasuky to Hartford, Georgia, and Captain Bell ordered to muster them out of service; and the Army moved its encampment about $\frac{3}{4}$ of a mile, preparatory to its return. On the 24th, General M'Intosh was ordered to proceed direct to Fort Scott, on Flint River, and an order furnished him to the Commanding Officer, to muster his Warriors out of service. The Army reached Fort St. Marks on the 25th, having marched 28 miles on that day; and we were agreeably surprised in finding Lieutenant Gadsden had arrived safely that evening from the mouth of Suwany. On the 26th, a Special Court was ordered for the Trial of A. Arbuthnot, and

Robert C. Ambrister, which Court, on the Documents and Evidence adduced, sentenced the first to be hung, and the latter to be shot. They were accordingly executed on the morning of the 29th.

The Army moved and encamped 4 miles from St. Mark's on the evening of the 28th, and arrived at Fort Gadsden on the 2nd instant; the General having previously detached a Garrison of 200 men, under the command of Brevet Major Fanning, to occupy Fort St. Marks. I have only to add, that this Army has borne hardships and privations to a great extent, in a manner becoming Soldiers and Citizens of a Nation proud of their liberties.

The Assistant Topographical Engineer will furnish a Topographical Report of the Country through which the Army operated, and I refer you to the enclosed Sketches, for information of our order of movement, and have the honor to be, &c.

Brigadier-General Daniel Parker.

ROBERT BUTLER.

No. 31.—General Jackson to the Secretary of War.

Fort Montgomery, 2nd June, 1818.

[See Vol. 1818, 1819. Page 477.]

No. 32.—General Jackson to the Secretary of War.

Fort Montgomery, 2nd June, 1818.

[See Vol. 1818, 1819. Page 408.]

*No. 33.—Proceedings of a Special Court Martial for the Trial of
A. Arbuthnot and R. C. Ambrister.*

[See Vol. 1818, 1819. Page 423.]

*No. 34.—Capitulation of Fort San Carlos de Barancas, and Pensacola.
—28th May, 1818.*

PROPOSALS which the Civil and Military Commandant of the Province of West Florida, makes to His Excellency ANDREW JACKSON, General-in-Chief of the American Army, before the Fort of San Carlos de Barancas.

I. The Fort of Barancas will be delivered to the Troops of The United States, under the following conditions:

Answer. Approved, with the exceptions made opposite to each Article, and possession given at 1 o'clock, P.M. this day.

II. The Garrison of the Fort of Barancas will march out, to be transported to The Havanna, on the day and hour which shall be agreed upon, with all the honors of War; drums beating; and with their arms and baggage. Those employed in the Royal Finance, and others attached to this Department, shall also be transported to the same destination.

Answer. A Roster shall be furnished of all the Military and Civil Officers of the Garrison of Fort Barancas. The Troops to march out as expressed in this Article: their arms to be stacked at the foot of the Glacis, and left in possession of the American Army, until the day of embarkation, when they will be restored.

III. The Commandant of the Province, the Officers of his Staff, of the Artillery and Engineers, the Officers and Troops, shall carry with them their arms and personal effects, and shall also have the liberty of disposing of their property of every kind, with perfect security to the purchasers.

Answer. All titles of property legally derived from the Crown of Spain will be respected.

IV. The Garrison shall be embarked for account of The United States. Every Person of the Military Class, or of the Royal Finance, shall receive, during the passage, such rations as are allowed to every grade by the regulations of Spain.

Answer. Approved, so far as relates to the transportation of the Garrison, and the Spanish rations allowed, provided they do not exceed the American ration, in which case the American ration only will be allowed.

V. A competent number of Vessels shall be furnished for embarking the personal effects, papers, and other property belonging to the Commandant, Officers, and others in the Royal employ, and particularly the Papers of the Secretary's Office of the Government, which are in Pensacola, those of the Department of the Royal Finance, and of the Civil and Military Employés. These Papers shall not be subjected to any inspection or recognizance, under the pledge of their containing nothing foreign to the functions of the said Persons.

Answer. Approved. An estimate of the necessary transportation to be furnished agreeably to established usage.

VI. The sick, wounded, and all those who are now, or may fall sick, previous to the embarkation of the Troops for The Havanna, shall be maintained by the Government of The United States, until cured, and shall have the same privileges as the rest of the Garrison; those who are in a situation shall be embarked at the same time with it, and all shall be under the care of, and attended by, the Surgeon, and other Individuals of the Spanish Military Hospital.

Answer. Approved.

VII. The Garrison of Pensacola, and the Prisoners, as also those in the employ of the Royal Finance, shall enjoy the same privileges as the Garrison of Barancas, and shall likewise be transported to The Havanna, uniting the former to the latter; and all shall remain in the quarters they occupied in Pensacola, until the moment of embarkation for the Port of Havanna.

Answer. Approved. An estimate of the necessary transportation

to be furnished, and included in the Estimate, for the Garrison of Fort Barancas.

VIII. During their stay, The United States will furnish to the King's Storekeeper, under Documents from the Royal Officers, such articles of provisions as may be deficient, or not in the King's Stores, to complete the rations of the Troops, Dependants, those in the King's employ, and their respective families, according to the allowance made by the Regulations of Spain; the reimbursement thereof remaining subject to the decision of the Governments of Spain and The United States.

Answer. An inventory of the provisions in possession of the Spanish Commissary, to be forthwith furnished. The rations allowed, subject to the limitation in the IVth Article.

IX. The provisions actually existing in the King's Stores of Pensacola and Barancas, shall be transported to the former, in order that they may serve for the said supply of rations.

Answer. Approved.

X. An Inventory, and a Duplicate thereof, shall be made by the Military Storekeeper, and such Officer of Artillery, as the Commandant of this Corps may name, and such other as may be appointed by the General of the Troops of The United States, of the Artillery, Powder, Military Stores, and other effects belonging to this Department, in Pensacola and Barancas.

Answer. Approved. Major Peters of the Artillery, is appointed on the part of the American Government.

XI. Persons and property shall be respected; concessions and Sales of Land made by the competent Authorities, shall be valid and guaranteed by the American Government, at whatever time they may have been made, until the date hereof.

Answer. All titles legally derived from the Crown of Spain, prior to this date, are guaranteed and respected.

XII. The Commandant of Engineers shall name an Officer, who, with another, whom the General of the American Army may appoint, shall make an Inventory, and a Duplicate thereof, of the number and state of the Royal Edifices, in the same manner as is stated for the Department of Artillery.

Answer. Approved, and Lieutenant Sands of the Artillery, is appointed on the part of the American Government.

XIII. The Military Officers, and those in the service of all and the several Departments, may embark with them, their wives, children, and servants, in which number are to be included the families of those of the said classes who may be absent. Those who have property to dispose of, or affairs to settle, may remain the time necessary for these purposes. The American Authority shall afford them every protection during their stay, and they shall enjoy the same privilege as the rest

of the Garrison, and be transported to The Havanna, for account of The United States.

Answer. Inadmissible, so far as it regards transportation being allowed to the families of those Officers not present, and Servants not attending upon the persons of the Officers and their families. Those Individuals disposed to remain in Florida, will be respected, and protected in all civil and personal rights; and if not embracing the transportation, allowed at the present period, they must furnish their own at a future period.

XIV. The Storekeeper-General shall form an Inventory of the small Vessels and Craft, and of the other effects under his charge, in the same way as is stated for the Department of Artillery.

Answer. Approved, and Lieutenant Parkhurst, Quartermaster of Artillery, is appointed on the part of the American Government.

XV. The Officers and Troops of this Garrison, with their equipage, shall be transported to Pensacola, where they shall remain, as already stated, until embarked for The Havanna.

Answer. Approved.

XVI. —————

XVII. The Alabama Chief, with his family, now in this Fort, and who has been reported to Major Young, shall be included in this Capitulation, and transported to The Havanna.

Answer. Approved: his name is to be entered in an Article, the Spanish Government guaranteeing that he never returns to the Floridas.

XVIII. The Catholic Religion shall be maintained, with its Ministers, and free exercise.

Answer. A free toleration to all religions is guaranteed.

XIX. This Capitulation is made, under the confidence that the General of the American Troops will comply with his offer of returning integrally this Province, in the state in which he receives it, as explained in his Official Letters.

Answer. Approved; and the restoration is to be made under the conditions expressed in General Jackson's Communication to the Governor of Pensacola, on the 23rd May.

XX. If any doubt should arise as to the meaning of any of the Articles of this Capitulation, they shall be construed in the manner most favorable to the Spanish Garrison.

Answer. The above Articles are to be interpreted agreeably to their literal and expressed meaning.

XXI. The present Capitulation shall be signed, and exchanged by the General of the American Army, and the Commandant of this Province, as soon as possible, and at latest by 5 o'clock in the afternoon; each Party respectively retaining possession of an Original.

Answer. Approved.

Camp, near Fort Barancas, May 28th, 1818. Fort of San Carlos de Barancas,
28th May, 7 o'clock in the
morning.

ANDREW JACKSON,
Major-General Commanding.

JOSE MASOT.

ADDITIONAL ARTICLES,

Which are to have the same force as the primary, and which extend to the fulfilment of what has been agreed upon.

I. The name required, of the Alabama Chief, is Opayhola. The Commandant of this Province engages, in the name of his Government, that the said Chief shall never return to the Floridas.

Answer. Approved.

II. If any Vessels of War of His Catholic Majesty, destined for this Port, should arrive with a supply of provisions or money, they shall be freely admitted, as well as Spanish Merchant-Vessels.

Answer. Approved.

Camp, near Fort Barancas, May 28, 1818. San Carlos de Barancas, 28th
May, 1818, 5 o'clock in the after-
noon.

ANDREW JACKSON,
Major-General Commanding.

JOSE MASOT.

No. 35.—Proclamation of General Jackson.

Head Quarters, Division of the South, Pensacola, 29th May, 1818.

MAJOR-GENERAL ANDREW JACKSON has found it necessary to take possession of Pensacola. He has not been prompted to this measure from a wish to extend the Territorial Limits of The United States, or from any unfriendly feeling on the part of the American Republic to the Spanish Government. The Seminole Indians, inhabiting the Territories of Spain, have, for more than 2 years past, visited our Frontier Settlements with all the horrors of savage massacre: helpless women have been butchered, and the cradle stained with the blood of innocence; these atrocities, it was expected, would have early attracted the attention of the Spanish Government, and, faithful to existing Treaties, speedy measures adopted for their suppression. But, so far from being able to control, the Spanish Authorities were often compelled, from policy or necessity, to issue munitions of War to these Savages, thus enabling, if not exciting, them to raise the tomakaw against us.

The immutable Laws of self-defence, therefore, compelled the American Government to take possession of such parts of the Floridas, in which the Spanish Authority could not be maintained. Pensacola was found in that situation, and will be held until Spain can furnish Military strength sufficient to enforce existing Treaties.

Spanish Subjects will be respected ; Spanish Laws will govern, in all cases affecting property and person ; a free toleration to all religions guaranteed, and trade alike to all Nations.

Colonel King will assume the command of Pensacola, as Military and Civil Governor. The Spanish Laws, so far as they affect personal rights and property, will be enforced. Colonel King will take possession of the Archives of the Province, and appoint some confidential Individual to preserve them. It is all-important that the Records of Titles and Property should be carefully secured. He will cause an inquiry to be made into all the Landed Property belonging to the King of Spain, and hold possession of it.

The Claims to Property within the range of gunshot of Fort San Carlos de Barancas, will be scrupulously examined into, and should this prove valid, a rent allowed, but possession in no wise given. This Property is necessary for The United States, and under its Laws may be held, and an equivalent paid.

The Revenue Laws of The United States will be established, and Captain Gadsden appointed to act as Collector, with full powers to nominate such Sub-Officers as in his opinion will be necessary to the faithful discharge of the trust reposed in him. He will apply to the Governor of Pensacola, for military aid in all cases where it may be necessary to correct attempts at an illicit trade.

ANDREW JACKSON.

No. 36.—Order of the Day of the Adjutant-General to the Army.

Head Quarters, Division of the South,

Adjutant General's Office, Barancas,

FELLOW SOLDIERS !

29th May, 1818.

You were called into the Field to punish Savages and Negroes, who had, in a sanguinary manner, used the Tomahawk and Scalping Knife upon our helpless Citizens upon the Frontier. You have pursued them to Mickasuky, St. Marks, Suwaney, and lastly to this Place, through an unexplored wilderness, encountering immense difficulties and privations, which you met with the spirit of American Soldiers, without a murmur.

Your General anticipated a close of the Campaign on his return to Fort Gadsden, and hailed the hour with feelings of gratitude to Heaven, at the prospect of relieving you from your labors, by placing you in quarters, and returning you to your homes ; but how great was the disappointment, when he heard of the recent murders committed on the Alabama, by a Party of the Enemy from Pensacola, where they were furnished with provisions and ammunition by a friendly Power. Under this state of things, you were marched here, encountering difficulties which you alone can properly appreciate, meeting on the way the Protest of the Governor of West Florida, threatening to employ

Force if we did not immediately evacuate the Country. This new and unexpected Enemy was soon taught to feel the impotence of his threats. You entered Pensacola without resistance, and the strong Fortress of the Barauca could hold out but one day against your determined courage.

Your General cannot help admiring the spirit, and military zeal manifested, when it was signified that a resort to storming would be necessary; and it would be injustice to his feelings, did he not particularly notice the judgment displayed by his Aid-de-Camp, Captain Gadsden, of the Engineers, in the selection of the positions for the Batteries, and the gallantry of his Second Aid, Captain M'Call and Captain Young, of the Topographical Engineers, in aiding him to erect the works, under the fire of heavy Batteries, within 400 yards; as well as the skill and gallantry of Captain Peters, Lieutenant Minton, and Spencer, in the direction and management of the 9-pounder; and that of Lieutenants Sands and Scallon, charged with the management of the howitzer. Captain M'Kever of the Navy, merits, as he has on several occasions, his warmest thanks, for his zealous co-operation and activity, in landing 2 of his guns, (should an additional battering train have been necessary,) and gallantly offering to bring his Vessel before the Water-Battery, in the event of storming the upper works. His Officers and Crew deserve his confidence.

The General assigns to Colonel King the Government of Pensacola, and its Dependencies, and that part of the 7th Department, laying West of the Appalachicola and Chatahouchie Rivers, until otherwise ordered by General Gaines.

The Colonel will take measures to have the Volunteers now at Pensacola, relieved, preparatory to their return march. The Tennessee Volunteers will be rationed for 5 days, and will forthwith move for Fort Montgomery, where they will receive further Orders.

The General, in taking leave of Colonel King and his command, tenders to the Officers and Soldiers, an affectionate farewell.

By Order,

ROBERT BUTLER,
Adjutant-General.

REPORT of the Secretary of War to Congress, relative to the reduction of the Military Peace Establishment of The United States.—11th December, 1818.

REPORT OF THE SECRETARY OF WAR.

Department of War, 11th December, 1818.

IN compliance with a Resolution of the House of Representatives, passed the 17th April last, directing " the Secretary of War to report,

at an early period of the next Session of Congress, whether any, and, if any, what reduction may be made in the Military Peace Establishment of The United States, with safety to the Public Service, and whether any, and if any, what change ought to be made in the Ration established by Law, and in the mode of issuing the same : and also to report a system for the establishment of a Commissariat for the Army ;”

I have the honor to submit the following

REPORT :

In order to form a correct opinion on a subject involving so many particulars, as the expense of our Military Establishment, it will be necessary to consider it under distinct and proper heads. To ascertain then, “ whether any, and, if any, what reductions may be made in the expenses of our Military Peace Establishment,” I propose to consider its number, organization, pay, and emoluments, and administration. To the one or the other of these heads, all of its expenses may be traced ; and, if they are greater than what they ought to be, we must search for the cause in the improper extent of the Establishment, the excessive number of Officers in proportion to the Men, the extravagance of the pay and emoluments, or the want of proper responsibility and economy, in its administration.

Pursuing the subject in the order in which it has been stated, the first question which offers itself for consideration, is, whether our Military Establishment can be reduced “ with safety to the Public Service,” or can its Expenditures be, with propriety, reduced, by reducing the Army itself. It is obvious, that, viewed in the abstract, few questions present so wide a field for observation ; or which are so well calculated to produce a great diversity of sentiment, as the one now proposed. Considered as an original question, it would involve in its discussion, the Political Institutions of the Country, its geographical position and character, the number and distance of our Posts, and our relations with the Indian Tribes, and the principal European Powers. It is conceived, however, that a satisfactory view of it may be taken, without discussing topics so extensive and indefinite.

The Military Establishments of 1802 and 1808, have been admitted, almost universally, to be sufficiently small. The latter, it is true, received an enlargement from the uncertain state of our Foreign relations, at that time, but the former was established at a period of profound quiet, (the commencement of Mr. Jefferson’s Administration) and was professedly reduced, with a view to economy, to the smallest number then supposed to be consistent with the public safety. Assuming these as a standard, and comparing the present Establishment (taking into the comparison the increase of the Country) with them, a satisfactory opinion may be formed on a subject, which otherwise might admit so great a diversity of opinion.

Our Military Peace Establishment is limited by the Act of 1815,

passed at the termination of the late War, to 10,000 men. The Corps of Engineers and Ordnance, by that, and a subsequent Act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of Artillery, Infantry and Riflemen, as he might judge proper. The General Order of the 17th May, 1915, fixes the Artillery at 3,200; the Light Artillery at 660; the Infantry, 5,440; and the Rifle, 660 Privates and Matrosses. Document A, exhibits a Statement of the Military Establishment, including the General Staff, as at present organized; and B, exhibits a similar view of those of 1802 and 1808; by a reference to which, it will appear, that our Military Establishments at the respective periods, taken in the order of their dates, present an aggregate of 3,323, 9,996, and 12,656. It is obvious, that the Establishment of 1808, compared with the then Wealth and Population of the Country, the number and extent of Military Posts, is larger in proportion, than the present, but the unsettled state of our relations with France and England, at that period, renders the comparison not entirely just. Passing, then, that of 1808, let us compare the Establishment of 1802 with the present. To form a correct comparison, it will be necessary to compare the capacity and necessities of the Country then, with those of the present time. Since that period, our Population has nearly doubled, and our Wealth more than doubled. We have added Louisiana to our Possessions, and with it, a great extent of Frontier, both Maritime and Inland. With the extension of our Frontier, and the increase of our Commercial Cities, our Military Posts and Fortifications have been greatly multiplied. Document marked C, exhibits the number and positions of Posts in the year 1802; and Document D, those of the present time. By a reference to which, it will be seen, that at the former period, we had but 27 Posts, the most remote of which was, to the north, at Mackinaw, and to the South, at Fort Stoddert, on Mobile River; but now we have 73, which occupy a Line of Frontier, proportionally extended. On the Lakes, the Mississippi, Missouri, Arkansas and Red River, our Posts are now, or will be shortly, extended, for the protection of our trade and the preservation of the peace of the Frontiers, to Green Bay, the mouths of the St. Peters, and the Yellow Stone River, Bellepoint and Natchitoches. Document marked E, exhibits a Statement of the extent of the Line of our Frontier, Inland and Maritime, with the distance of some of the more remote Posts from the Seat of Government, drawn up by Major Long, of the Topographical Engineers, from the most approved Maps.

If, then, the Military Establishment of 1802 be assumed to be as small, as was then consistent with the safety of the Country, our present Establishment, when we take into the comparison the prodigious increase of Wealth, Population, extent of Territory, and number and distance of Military Posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period

must, in proportion to the necessities and capacity of the Country, be admitted to be quite as large as the present; and on the assumption, that the Establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present Establishment cannot be made, with safety to the public service, by reducing the Army.

In coming to this conclusion, I have not overlooked the maxim, that a large Standing Army is dangerous to the liberty of the Country; and that our ultimate reliance for defence, ought to be on the Militia. Its most zealous advocate must, however, acknowledge, that a Standing Army, to a limited extent, is necessary; and no good reason can be assigned, why any should exist, but what will equally prove, that the present is not too large. To consider the present Army as dangerous to our liberty, partakes, it is conceived, more of timidity than wisdom. Not to insist on the character of the Officers, who, as a body, are high-minded and honorable men, attached to the principles of freedom by education and reflection; what well-founded apprehension can there be from an Establishment distributed on so extended a Frontier, with many thousand miles intervening between the extreme Points occupied? But the danger, it may be said, is not so much from its numbers, as a spirit, hostile to liberty, by which, it is supposed, all regular Armies are actuated. This observation is probably true, when applied to Standing Armies collected into large and powerful masses; but dispersed as ours is, over so vast a surface, the danger, I conceive, is of an opposite character,—that both Officers and Soldiers will lose their military habits and feelings, by sliding gradually into those purely civil.

I proceed next to consider, whether any reduction can be made with propriety by changing the organization, or by reducing the number of Officers of the Line, or the Staff, in proportion to the Men. It is obvious, that, as the Officers are much more expensive, in proportion to their numbers, than the Soldiers, the pay of the Army, in relation to its aggregate numbers, must be increased or diminished, with the increase or diminution of the former. It is impossible to fix any absolute proportion between Officers and Men, which will suit every Country and every service; and the organization of different Countries and of different periods, in the same Country, has, accordingly, varied considerably. Our present organization, of which Document marked A, contains an exhibit, is probably as well, or better, adapted to the nature of our Country and service than any other, as it seems to be the result of experience; for by a reference to Document marked B, it will be seen that it is nearly similar, with the exception of the General Staff, in which the present is more extensive, to the organization of the Military Establishments of 1802 and 1803. It is believed, that the proportion of Officers of the Line to the Men, will require no farther observations.

[1817—18.]

4 F

The Staff, as organized by the Act of the last Session, combines simplicity with efficiency, and is considered to be superior to that of the periods to which I have reference. In estimating the expenses of the Army, and particularly that of the Staff, the 2 most expensive branches of it, the Engineer and Ordnance Departments, ought not fairly to be included. Their duties are connected with the permanent preparation and defence of the Country, and have so little reference to the existing Military Establishment, that, if the Army were reduced to a single Regiment, no reduction could safely be made in either of them. To form a correct estimate of the duties of the other branches of the Staff, and, consequently, the number of Officers required, we must take into consideration not only the number of Troops, but what is equally essential, the number of Posts and extent of Country, which they occupy. Were our Military Establishment reduced one-half, it is obvious that, if the same Posts continued to be occupied, which now are, the same number of Officers, in the Quarter-master's, Commissary's, Paymaster's, Medical and Adjutant and Inspector-General's Departments, would be required.

To compare, then, as is sometimes done, our Staff with those of European Armies, assembled in large bodies, is manifestly unfair. The Act of the last Session, it is believed, has made all the reduction which ought to be attempted. It has rendered the Staff efficient without making it expensive. Such a Staff is not only indispensable to the efficiency of the Army, but is also necessary to a proper economy in its disbursements; and should an attempt be made at retrenchment, by reducing the present number, it would, in its consequences, probably prove wasteful and extravagant.

In fact, no part of our Military Organization requires more attention in peace than the General Staff. It is in every service invariably the last in attaining perfection; and if neglected in peace, when there is leisure, it will be impossible, in the midst of the hurry and bustle of war, to bring it to perfection. It is in peace that it should receive a perfect organization, and that the Officers should be trained to method and punctuality, so that at the commencement of a war, instead of creating anew, nothing more should be necessary, than to give to it the necessary enlargement. In this Country, particularly, the Staff cannot be neglected with impunity. As difficult as its operations are, in actual service, every where, it has here to encounter great and peculiar impediments, from the extent of the Country, the badness, and frequently the want of roads, and the sudden and unexpected calls which are often made on the Militia. If it could be shown, that the Staff, in its present extent, was not necessary in peace, it would, with the view taken, be unwise to lop off any of its branches which would be necessary in actual service. With a defective Staff, we must carry on our military operations under great disadvantages, and be exposed,

particularly at the commencement of a war, to great losses, embarrassments, and disasters.

As intimately connected with this part of the subject, it is proper to observe, that so many and such distant small Posts as our Service requires, not only adds to the expense of the Army, by rendering a more numerous Staff necessary, but it increases the price of almost every article of supply, and the difficulty of enforcing a proper responsibility and economy. To an Army thus situated, the expenses and losses resulting from transportation alone constitute a considerable sum. Under the best management, our Army must be more expensive, even were our supplies equally cheap, than European Armies collected in large bodies, in the midst of populous and wealthy Communities. These observations are not made to justify an improper management, or to divert the attention of the House from so important a subject, as the expense of our Military Establishment. They, in fact, ought to have an opposite effect; for just in the same proportion that it is liable to be expensive, ought the attention and effort of the Government to be roused, to confine its expenses within the most moderate limits which may be practicable.

The next question which presents itself for consideration is, can the expenses of our Military Establishment be reduced, without injury to the Public Service, by reducing the pay and emoluments of the Officers and Soldiers? There is no class in the Community whose compensation has advanced less, since the termination of the War of the Revolution, than that of the Officers and Soldiers of our Army. While money has depreciated more rapidly, than at any other period, and the price of all the necessaries of life has advanced proportionably, their compensation has remained nearly stationary. The effects are severely felt by the Subaltern Officers. It requires the most rigid economy for them to subsist on their pay and emoluments. Documents marked F and G, exhibit the pay and subsistence during the Revolution, and as at present established; and Document marked H, exhibits the allowance of clothing, fuel, forage, transportation, quarters, waiters, stationary, and straw, at the termination of the Revolutionary War, and in 1802, 1815, and 1818. By a reference to those Documents, it will be seen, that under most of the heads, the variation of the different periods have been very small; and that on a comparison of the whole, the pay of an Officer is not near equal now, if allowance is made for the depreciation of money, to what it was during the Revolution. I will abstain from further remarks, as it must be obvious from these statements, that the expense of our Military Establishment cannot be materially reduced, without injury to the Public Service, by reducing the pay and emoluments of the Officers and Soldiers.

It only remains to consider, in relation to this part of the Resolu-

tion of the House, whether the expense of our Military Establishment can be reduced by a proper attention to its administration, or by a more rigid enforcement of responsibility and economy. Our Military Establishment is doubtless susceptible of great improvement in its administration. The field is extensive, and the attention of the Government has not heretofore been so strongly directed towards it, as its importance deserves. Here all savings are real gain, not only in a monied, but a moral and political point of view. An inefficient Administration, without economy or responsibility, not only exhausts the public resources, but strongly tends to contaminate the moral and political principles of the Officers, who are charged with the disbursements of the Army. To introduce, however, a high state of economy and responsibility in the management of a subject so extensive and complicated as our Military Establishment, is a task of great difficulty, and requires not only a perfect organization of the Department charged with it, but a continued energetic and judicious enforcement of the Laws and Regulations established for its government. The organization is the proper sphere of Legislation, as the application of the Laws and Regulations is that of Administration. The former has done all, or nearly all, that can be done. It is believed, that the organization of the War Department, as well as the General Staff of the Army, is not susceptible of much improvement. The Act of the last Session regulating the Staff, has not only made important savings in the expenses of the Army, but has given both to the Department and the Staff a much more efficient organization, than they ever before had.

Every Department of the Army charged with disbursements, has now a proper Head, who, under the Laws and Regulations, is responsible for its administration. The head of the Department is thus freed from detail, and has leisure to inspect and control the whole of the disbursements. Much time and reflection will be required to bring the system into complete operation, and to derive from it all the advantages which ought to be expected. The extent of the saving which may result from it, can only be ascertained by time and experience; but with an attentive and vigorous administration, it doubtless will be considerable. In War, it will be much more difficult to enforce economy and responsibility; but, with a system well organized, and with Officers trained to method and punctuality, much of the waste and frauds, which would otherwise take place in War, will be prevented. In Peace, there can be no insuperable difficulty in attaining a high degree of responsibility and economy. The mere monied responsibility, or that of purchases and disbursements, will be easily enforced. The Public now sustains much greater losses in the waste and improper use of public property, than in its monied transactions. In our Military Establishment, responsibility in the latter is well checked, and not badly enforced. The Accounts are rendered with considerable punctuality, and are promptly

settled; and even neglect or misapplication of public funds, by the Disbursing Officers, are not often accompanied with ultimate losses, as they are under Bonds for the faithful discharge of their duties. Accountability, as it regards the public property, is much more difficult, and has heretofore been much less complete. Returns of Property in many cases, particularly in the Medical Department, have rarely been required; and even where they have been, they have not been made with punctuality. It cannot be doubted, but that the Public has sustained very considerable damage from this want of accountability. Every article of public property, even the smallest, ought, if possible, to be in charge of some Person, who should be responsible for it. It will be difficult to attain this degree of perfection; but it is hoped, by making each of the Subordinate Offices of the War Department, liable for the property in its charge, a very considerable improvement and reduction of expenses will be made.

On the quality of the ration, and the system of supplying and issuing it, which I propose next to consider, the health, comfort, and efficiency of the Army, mainly depend. Too much care cannot be bestowed on these important subjects; for let the military system be ever so perfect in other particulars, any considerable deficiency in these, must, in all great military operations, expose an Army to the greatest disasters. All human efforts must, of necessity, be limited by the means of sustenance. Food sustains the immense machinery of War, and gives the impulse to all its operations; and if this essential be withdrawn, even but for a few days, the whole must cease to act. No absolute standard can be fixed, as it regards either the quantity or quality of the ration. These must vary, according to the habits and products of different Countries. The great objects are, first, and mainly, to sustain the health and spirit of the Troops; and the next, to do it with the least possible expense. The system which effects these in the greatest degree, is the most perfect. The ration, as established by the Act of the 16th March, 1802, experience proves to be ample in quantity, but not of the quality best calculated to secure either health or economy. It consists of 18 ounces of bread, or flour, 1½ pound of beef or ¾ of a pound of pork, 1 gill of rum, brandy, or whiskey; and at the rate of 2 quarts of salt, 4 quarts of vinegar, 4 pounds of soap, and 1½ of candles, to every 100 rations.

The objections to it in relation to the health of the Army, are fully stated in a Report of the Surgeon-General to the War Department, marked I, which I would respectfully annex as a part of this Report. Under this view of the subject, more need not be added, except to urge its importance, both on the score of humanity and policy.

Our People, even the poorest, being accustomed to a plentiful mode of living, require, to preserve their health, a continuation, in a considerable degree, of the same habits of life, in a camp; and a sudden and

great departure from it, subjects them, as is proved by experience, to great mortality. Our losses, in the late and revolutionary Wars, from this cause, were probably much greater than from the sword. However well qualified for War in other respects, in the mere capacity of bearing privations, we are inferior to most Nations. An American would starve, on what a Tartar would live with comfort. In fact, barbarous and oppressed Nations, have in this particular, a striking advantage, which, however, ought to be much more than compensated by the skill and resources of a free and civilized People. If, however, such a People want the skill and spirit to direct its resources to its defence, the very wealth, by which it ought to defend itself, becomes the motive for invasion and conquest. Besides, there is something shocking to the feelings, that, in a Country of plenty beyond all others, in a Country which, ordinarily, is so careful of the happiness and life of the meanest of its Citizens, its brave Defenders, who are not only ready, but anxious to expose their lives for the safety and glory of their Country, should, through a defective system of supply, be permitted almost to starve, or to perish by the poison of unwholesome food, as has frequently been the case. If it could be supposed that these considerations are not sufficient to excite the most anxious care on this subject, we ought to remember, that nothing adds more to the expense of military operations, or exposes more to its disasters, than the sickness and mortality which result from defective, or unwholesome supplies. Impressed with this view of the subject, considerable changes have been made in the ration, under the authority of the 8th Section of the Act regulating the Staff of the Army, passed at the last Session of Congress. The vegetable part of the ration has been much increased. Twice a week, a half-allowance of meat, with a suitable quantity of peas or beans, is directed to be issued. Fresh meat has also been substituted twice a week for salted. In the Southern Division, bacon and kiln-dried Indian corn meal have been, to a certain extent, substituted for pork and wheat flour. In addition, orders have been given, at all the permanent Posts, where it can be done, to cultivate a sufficient supply of ordinary garden vegetables for the use of the Troops; and at the Posts remote from the settled parts of the Country, the order is extended to the cultivation of corn, and to the supply of the meat part of the ration, both to avoid the expense of distant and expensive transportation, and to secure at all times a supply within the Posts themselves.

In addition to these changes, I am of opinion, that the spirit part of the ration, as a regular issue, ought to be dispensed with; and such appears to be the opinion of most of the Officers of the Army. It both produces, and perpetuates, habits of intemperance, destructive alike to the health and moral and physical energy of the Soldiers. The spirit ought to be placed in depot, and be issued occasionally under the dis-

cretion of the Commander. Thus used, its noxious effects would be avoided, and the Troops, when great efforts were necessary, would, by a judicious use, derive important benefits from it. Molasses, beer, and cider, according to circumstances, might be used as substitutes. The substitution of bacon and kiln-dried corn meal, in the Southern Division, will have, it is believed, valuable effects. They are both much more congenial to the habits of the People in that Section of our Country. Corn meal has another, and in my opinion great and almost decisive advantage; it requires so little art to prepare it for use. It is not easy to make good bread of wheat flour, while it is almost impossible to make bad of that of Indian corn. Besides, wheat is much more liable to be damaged than the Indian corn; for the latter is better protected against disease and the effects of bad seasons in time of harvest, than any other grain; and when injured, the good is easily separated from the bad. Experience proves it to be not less nutritious than wheat, or any other grain. Parched corn constitutes the principal food of an Indian Warrior; and such are its nutritious qualities, that they can support long and fatiguing marches on it alone.

I next proceed to consider the system of supplying the Army with provisions, or the establishment of a Commissariat, and, as they are connected in their nature, I propose to consider that part of the Resolution in relation to a Commissariat, and the mode of issuing the rations, at the same time.

The system established, at the last Session, will, in time of peace, be adequate to the cheap and certain supply of the Army. The Act provides for the appointment of a Commissary-General, and as many Assistants as the service may require, and authorizes the President to assign to them their duties in purchasing and issuing rations. It also directs, that the ordinary supplies of the Army should be purchased on Contracts to be made by the Commissary-General, and to be delivered, on inspection, in the bulk, at such places as shall be stipulated in the Contract. Document marked J, contains the rules and regulations which have been established by order of the President, and presents the operation of the system in detail. It is believed, that it is as well guarded against fraud as any other Department of our military supplies; and, judging from the Contracts already formed under it, will, when improved by experience, probably make a very considerable saving. It would improve the system, to authorize the appointment of 2 Deputy Commissaries, 1 for each Division, with the pay, rank, and emoluments of a Major of Infantry, to be taken from the Line or from Citizens, and so to amend the Act of the last Session, as to authorize the President to appoint the Assistant Commissaries, either from the Line or Citizens. When the Assistant-Commissary is not taken from the Line, to make his pay equal to that of a Subaltern appointed from the Line, it ought to be 50 dollars per month, with 2 rations a day. It should be the

duty of the Deputy-Commissaries to perform such service as the Commissary-General might prescribe, and particularly to inspect the principal Depots, and, in cases of necessity, to make the necessary purchases. When a suitable Subaltern cannot be had, or when his services are necessary in the Line, the power proposed to be vested in the President to select from Citizens, would be important. It is not believed that any other alteration would be necessary in Peace; but the system would require great enlargement in War, to render it sufficiently energetic to meet the many vicissitudes incidental to the operations of War.

It would then be necessary to divide the system into 2 divisions, one for purchasing and the other for issuing of rations, with as many Deputy Commissaries of purchases and issues, as there may be Armies and Military Districts; to whom ought to be added, a suitable number of Assistants. The basis of the system ought, in War, to be the same as is now established. The ordinary supplies ought to be by Contract, on public proposals. By a judicious collection of provisions at proper depots, combined with an active and energetic system of transportation, it would be seldom necessary to resort to any other mode of purchasing. To provide, however, for contingencies, the Purchasing Department ought to be efficiently organized, and a branch of it, as already stated, attached to each Army and Military Department. As it is the means to be resorted to in cases of necessity, it ought to possess those high and discretionary powers which do not admit of exact control. It is, in its nature, liable to many abuses; and to prevent them from being great, more efficient regulations and checks are required, than in any other branch of the General Staff.

The defects of the mere Contract System, are so universally acknowledged, by those who have experienced its operation in the late War, that it cannot be necessary, to make many observations in relation to it. Nothing can appear more absurd, than that the success of the most important military operations, on which the very fate of the Country may depend, should ultimately rest on Men, who are subject to no military responsibility, and on whom, there is no other hold, than the penalty of a Bond. When we add to this observation, that it is often the interest of a Contractor to fail, at the most critical juncture, when the means of supply become the most expensive, it seems strange, that the system should have been continued for a single Campaign. It may be said, that when the Contractor fails, the Commander has a right to purchase at his risk, by which the disasters, which naturally result from a failure, may be avoided. The observation is more specious than solid. If on failure of the Contractor, there existed a well-organized system for purchasing the supplies, there would be some truth in it; but without such a system, without depots of provisions, and with the funds intended for the supply of the Army, perhaps in the

hands of the Contractor, his failure, must, generally, be fatal to a Campaign.

It is believed, that a well-organized Commissariat, whose ordinary supplies are obtained by Contract, founded on public notice, possesses (besides those peculiar to itself,) all the advantages, fairly attributable to the system of issuing rations by Contract. It is equally guarded against fraud, and its purchases can be made on terms more advantageous. A considerable objection to the system of issuing the ration by Contract, is, that the Merchants and Capitalists are deterred from bidding, by the hazard of issuing the ration; and thus the sphere of competition is contracted; and the Contracts for supplying the Army, often thrown into the hands of Adventurers. This objection is avoided, under the present system, by which the Nation will be cheaply supplied, and the danger of failure almost wholly removed.

All which is respectfully submitted.

J. C. CALHOUN.

REPORT of the Adjutant and Inspector-General.

SIR, *Adjutant and Inspector-General's Office, 21st Oct., 1818.*

CONFORMABLY to your Order of the 5th instant, I have the honor to lay before you the following Statements:

The Organization of the Army of The United States, under existing Laws.

A List of Military Posts, Maritime and Inland, at present occupied, and the number and description of Troops at each, taken from the last Returns on file in this Office.

The Organization of the Army under the Act of March, 1802, and the Organization of the Peace Establishment previous to the late War.

The Distribution of the Troops under the Organization of March, 1802, at the close of that year, with the number at each Post and Station.

On that part of your Order, requiring the strength and organization of a Brigade, at the close of the War of the Revolution, in 1783; I have to state, that I have not been able to obtain any Documents which establish the strength of such Organization, at that, or any other period, except what is contained in a Note to the Army Regulations during the late War. It is there stated, that 2 Regiments form a Brigade, and 2 Brigades form a Division; but I know of no established Regulation on the subject.

I have the honor to be, &c.,

The Secretary of War.

D. PARKER.

(A.)—*Organization of the Army of The United States, 1818.*

	General Staff.	† Department of Engineers	Ordnance Department.	Regt. of Light Artillery.	Corps of Artillery.	Regiments of Infantry.								Ride Regiment.	Total.
						st.	d.	d.	th.	th.	th.	th.	th.		
Major-Generals - - -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Brig-Generals - - -	4	-	-	-	-	-	-	-	-	-	-	-	-	-	4
Aide-de-Camp - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adj. and Insp.-General -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Quartermasters-General -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Adjutants-General - -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Inspectors-General - -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Asst.-Adjutants-General -	4	-	-	-	-	-	-	-	-	-	-	-	-	-	4
Asst.-Inspectors-General -	4	-	-	-	-	-	-	-	-	-	-	-	-	-	4
Dep.-Quarter-Masters-General -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Asst.-Deputy-Quarter-Masters-General -	16	-	-	-	-	-	-	-	-	-	-	-	-	-	16
Topographical Engineers -	-	6	-	-	-	-	-	-	-	-	-	-	-	-	6
Asst.-Topographical Engineers -	-	4	-	-	-	-	-	-	-	-	-	-	-	-	4
Paymaster-General - - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Judge Advocates - - -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Surgeon-General - - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Post-Surgeons - - -	40	-	-	-	-	-	-	-	-	-	-	-	-	-	40
Apothecary-General - - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Assistant Apothecaries -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Com.-Gen. of Purchases -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Dep.-Com. of Purchases -	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Ass.-Com. of Issues - - -	6	-	-	-	-	-	-	-	-	-	-	-	-	-	6
Storekeepers - - -	-	-	*18	-	-	-	-	-	-	-	-	-	-	-	18
Com.-Gen. of Supplies - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Ass.-Com. of Supplies - -	*	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Chaplain - - -	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Colonels - - -	1	1	1	1	1	1	1	1	1	1	1	1	1	1	12
Lieutenant-Colonels - -	1	1	1	1	4	1	1	1	1	1	1	1	1	1	14
Majors - - -	2	2	1	1	4	1	1	1	1	1	1	1	1	1	18
Adjutants - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Quartermasters - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Paymasters - - -	-	-	-	-	-	1	1	1	1	1	1	1	1	1	10
Surgeons - - -	-	-	-	-	-	1	1	1	1	1	1	1	1	1	10
Surgeons' Mates - - -	-	-	-	-	-	2	2	2	2	2	2	2	2	2	18
Captains - - -	6	10	10	10	32	10	10	10	10	10	10	10	10	10	162
First Lieutenants - - -	6	10	10	10	64	10	10	10	10	10	10	10	10	10	168
Second Lieutenants - - -	6	10	20	20	64	10	10	10	10	10	10	10	10	10	198
Third Lieutenants - - -	-	10	-	-	-	-	-	-	-	-	-	-	-	-	10
Armors - - -	-	-	-	1	8	1	1	1	1	1	1	1	1	1	10
Sergeant-Majors - - -	-	-	-	1	-	1	1	1	1	1	1	1	1	1	10
Quartermast.-Sergeants -	-	-	-	1	32	1	1	1	1	1	1	1	1	1	42
Principal Musicians - - -	1	-	2	-	-	2	2	2	2	2	2	2	2	2	21
Master Mechanics - - -	-	-	*3	-	-	-	-	-	-	-	-	-	-	-	3
Mechanics - - -	-	-	*72	-	-	-	-	-	-	-	-	-	-	-	72
Artificers - - -	20	-	*88	-	-	-	-	-	-	-	-	-	-	-	108
Laborers - - -	-	-	*121	-	-	-	-	-	-	-	-	-	-	-	121
Sergeants - - -	-	-	-	40	160	40	40	40	40	40	40	40	40	40	560
Corporals - - -	-	-	-	40	256	40	40	40	40	40	40	40	40	40	640
Musicians - - -	-	-	-	20	128	20	20	20	20	20	20	20	20	20	320
Privates and Matrosses -	-	-	-	660	3,200	680	680	680	680	680	680	680	680	680	9,560
Total Commissioned - -	96	32	44	46	168	37	37	37	37	37	37	37	37	37	718
Total Non-commissioned and Privates -	-	21	-	764	3,776	784	784	784	784	784	784	784	784	784	11,556
Aggregate - - -	96	53	346	810	3,944	821	821	821	821	821	821	821	821	821	12,566

* The Officers, Mechanics, Artificers, and Laborers, of the Ordnance, with this (*) prefixed, are unlimited by Law, and the numbers now in Service are assumed as the organization.

† The Chief Engineer, and Senior Officer of the Corps, is allowed 1 Assistant. The 4 Sergeants, 4 Corporals, 4 Musicians, and 80 Men, composing the Company of Bombardiers, Sappers and Miners, attached to the Engineers, are by Law added to the Peace Establishment of 10,000 Rank and File.

(B.)—*Organization of the Army which composed the Military Peace Establishment of The United States, under the Laws of March, 1802, and April, 1808.*

	REGIMENTS AND CORPS.												
	General Staff.	Engineers.	Regiment of Artillerists.	1st Infantry.	2nd Infantry.	General Staff, added by Act of April, 1808.	Light Artillery.	Light Dragoons.	3rd Infantry.	4th Infantry.	5th Infantry.	6th Infantry.	7th Infantry.
Brigadier-Generals -	1	-	-	-	-	3	-	-	-	-	-	-	-
Aids-de-Camp -	1	-	-	-	-	3	-	-	-	-	-	-	-
Adjutant and Inspector	1	-	-	-	-	3	-	-	-	-	-	-	-
Brigade Inspectors -	1	-	-	-	-	3	-	-	-	-	-	-	-
Brigade Quartermaster	-	-	-	-	-	-	-	-	-	-	-	-	-
Paymaster of the Army	1	-	-	-	-	-	-	-	-	-	-	-	-
District Paymasters -	7	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Paymasters	2	-	-	-	-	-	-	-	-	-	-	-	-
Purveyor of Public Supplies -	1	-	-	-	-	-	-	-	-	-	-	-	-
Superintendent of Military Stores -	1	-	-	-	-	-	-	-	-	-	-	-	-
Storekeepers	-	-	-	-	-	-	-	-	-	-	-	-	-
—as many as the Service may require.	-	-	-	-	-	-	-	-	-	-	-	-	-
Military Agents -	3	-	-	-	-	-	-	-	-	-	-	-	-
Assistant Military Agents	-	-	-	-	-	-	-	-	-	-	-	-	-
—1 to each Post, or as many as the Service may require.	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital Surgeons -	-	-	-	-	-	5	-	-	-	-	-	-	-
Hospital Surgeons' Mates	-	-	-	-	-	15	-	-	-	-	-	-	-
Hospital Stewards	-	-	-	-	-	-	-	-	-	-	-	-	-
—1 to each Hospital.	-	-	-	-	-	-	-	-	-	-	-	-	-
Ward Masters	-	-	-	-	-	-	-	-	-	-	-	-	-
—1 to each Hospital.	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgeons -	2	-	-	-	-	-	-	-	1	1	1	1	1
Surgeons' Mates -	25	-	-	-	-	6	-	-	1	1	1	1	1
Chaplains -	-	-	-	-	-	8	-	-	-	-	-	-	-
Colonels -	-	1	1	1	1	-	1	1	1	1	1	1	1
Lieutenant-Colonels	-	1	1	1	1	-	1	1	1	1	1	1	1
Majors -	2	4	1	1	1	-	1	1	1	1	1	1	1
Captains -	4	20	10	10	10	-	10	8	10	10	10	10	10
First Lieutenants -	4	20	10	10	10	-	10	8	10	10	10	10	10
Second Lieutenants -	4	20	10	10	10	-	10	8	10	10	10	10	10
Ensigns and Cornets	-	-	10	10	10	-	-	8	10	10	10	10	10
Cadets -	4	40	-	-	-	-	20	16	20	20	20	20	20
Riding Masters -	-	-	-	-	-	-	-	-	-	-	-	-	-
Sergeant-Majors -	-	-	-	-	-	-	1	1	1	1	1	1	1
Quartermaster-Sergeants	-	-	-	-	-	-	1	1	1	1	1	1	1
Principal Musicians	-	-	-	-	-	-	2	2	2	2	2	2	2
Saddlers and Farriers	-	-	-	-	-	-	-	16	-	-	-	-	-
Sergeants -	-	-	80	40	40	-	48	32	40	40	40	40	40
Corporals -	-	-	80	40	40	-	40	32	40	40	40	40	40
Musicians -	-	-	80	40	40	-	20	16	20	20	20	20	20
Artificers -	-	1	180	-	-	-	50	-	-	-	-	-	-
Privates -	18	1,120	640	640	640	-	360	512	680	680	680	680	680
Total Commissioned, Warrant, and Non-commissioned Officers and Privates -	46	30	1,628	805	805*	38†	877	724	849	849	849	849	849

* 3,323—Aggregate Establishment, under the Act of March, 1802.

† 84—Staff of the Army before the War of 1812.

‡ 9,906—Aggregate of Peace Establishment before the War of 1812.

(1.)—*The Surgeon General to the Secretary of War.*

SIR, *Surgeon General's Office, 16th November, 1818.*

IN compliance with your Instructions, I have the honor to submit the following

REPORT.

IN deciding upon the component parts of the ration to be furnished the Army, it must be obvious, that, so far as the health of the Troops is concerned, those will of course be the best, which afford the greatest quantity of good nutritious matter, from a given quantity of food; but as the Soldier is in general, his own cook, it is also necessary that they be of such a nature, as to enable him effectually to extract this nutriment, in the easiest and most simple manner. The first will depend upon the habits of the Soldier, previous to enlistment, and the last upon the mode of cooking, which the experience of the Army has found most convenient and advantageous.

It is a well known fact, that every animal, in order to enjoy health, strength and vigor, must be supplied with food, adapted to its habits, whether *natural* or *acquired*. The former cannot in most cases be essentially changed, without serious consequences; the lion for example cannot subsist on hay, or the ox on game; while in others, the digestive organs may, *by degrees*, become so accustomed to unnatural food, as to render it not only consistent with, but necessary to health; thus the horse may be taught to live on meat. Hence it follows that a ration perfectly adapted to the wants of a Cossack, might be totally useless, and perhaps injurious to an American; for Man may, in this respect, be considered a genus, the several species of which, are determined by the Age, Country or Tribe, to which he belongs; the Greenlander and the Hindoo, the ancient Spartan, and the modern Epicure, would find nearly as much difficulty in subsisting upon the same food as the wolf and the sheep.

Such being the effect of custom, it must be evident, that whenever a Man has confirmed his natural propensities by long habit, any change, especially a sudden one, will be attended with most injurious, if not fatal effects; and this is precisely the condition of the American Soldier; for, if the natural diet of Man is *altogether* vegetable, and if the People of this Country differ but little in their mode of living from that pointed out by nature, and are also accustomed to a great variety, and consequently to too frequent changes in the several articles of their diet, it must be obvious that a ration composed of bread and meat only, and chiefly of the latter, cannot be consistent either with "comfort, convenience or *health*."

That Man was not originally carnivorous is proved by History, both sacred and profane; and this is confirmed by the fact, that, nearly all those animals, whose usefulness depends upon their health, strength

and vigour, or upon the nutritious quality of their solids, such as the horse, elephant, camel, mule, sheep and most of those used for food, subsist upon vegetables; while the carnivorous species, as the tiger, wolf, dog, and even the lion, though they possess a greater degree of agility, from their natural conformation, have nothing of that real strength and vigor, which renders the former animals important assistants to us during life, nor of that healthy *embonpoint*, which makes some of them equally useful after death.

The same is true with respect to Man, in his present unnatural state; the natives of this Country, who subsist principally on game, those Tribes of Bedouines, whose deserts scarcely afford food for their cattle, and the Greenlander, whom necessity has taught to live upon dried fish and blubber, are all from their *general habits* hardy, but they are, *ceteris paribus*, inferior to the Hindoo, whose fear of feeding upon his Grandsire, confines him to pulse and light vegetables; much less have they the *stamina* of those whom our second nature, habit, has accustomed to a judicious mixture of both these kinds of food.

Custom, it is true, rendered a certain portion of animal food necessary to produce the highest state of health and vigor, but it is believed the quantity required for this purpose, has been exceedingly overrated. This has arisen from observing, that certain classes of Men, noted for their health and strength, indulge largely in such kind of diet, but the conclusion by no means follows from the premises; for these same Men will also indulge in large potations of ardent spirits, and various other excesses, without *apparent* injury; this therefore only proves what they can *bear*, and not what is *best* for them.

The correctness of this position will further appear, from the diet found necessary for the delicate and the valetudinarian: there the great difficulty is to procure food sufficiently light, that is, of sufficient bulk to satisfy hunger, without too much nutriment to oppress digestion; for Physiologists, when discoursing upon the digestive organs and the quality of food best suited to them, have shown that the former requires from the latter, what they have termed the stimulus of *distension*, as well as a due degree of excitement from nutritious matter, to produce healthy action; that a certain bulk is as necessary, as a certain quantity of nutriment; and that, so far as one of these is increased at the expense of the other, so far the diet varies from the healthy standard. Thus it not only appears that a vegetable diet is natural to Man, but we are taught its *modus operandi*; and that, although it actually contains much less nourishment than animal matter, yet from its being in a state of subdivision, it is so *diluted*, as it were, as to be fully acted upon by the stomach; whereas in a more concentrated form, it becomes an unnatural stimulus, and destroys the powers of the digestive organs.

Now we may conclude, *a priori*, that the diet of the People of this

Country, will be that which is best suited to them; for, such is the facility of obtaining the means of subsistence, that even the Laborers in our Cities, probably the poorest class of Men among us, are enabled to procure most of the articles supplied in the markets; and such is the profusion with which we are blessed, that these consist of almost every thing the palate can desire, or the stomach digest: being therefore under no restraint from poverty or scarcity, it is to be presumed, they would follow in a great measure, the indications of nature: and that this is a fact, will appear from a cursory reflection upon the mode of living, in the different parts of the Country; for when we take into account the quantity of farinacea, employed in bread, pudding, &c., the great variety and abundance of fruits and of the lighter vegetables, in addition to the more nutritious ones, such as peas, beans, rice, potatoes, and many roots, it is probable that four-fifths of our diet is vegetable, and, perhaps, two-thirds in every case. Even at dinner, when meat is most used, it is generally in this proportion, and it constitutes but a small part of our morning and evening meals. There are no doubt exceptions, but these proportions will be found in general correct.

The cheapness of living, however, not only enables the mass of our Population to procure food of the best kind, but also to obtain a great variety of the essential articles, and many even of the luxuries of life; there are few, who to fish and poultry, and almost all the vegetables in use, do not add tea, coffee, sugar, spices and other condiments; and with this variety of food, they are accustomed to no small variety in the mode of preparing it. The very general use of tea, or some other warm infusion, at the morning and evening meals, is a point of no small importance; and nothing but experience can fully convince one how severely the want of it is felt, and of course how necessary that, or a substitute, is for the health of the Soldier.

But secondly, the experience of the Army proves, that not only the habits of the Soldier, previous to enlistment, but also the mode of cooking, found most effectual and convenient, requires a material change in the component parts of the ration. For since the business of cooking belongs in civil life almost entirely to females; when a man is confined to bread and meat, he is not only suddenly deprived of his accustomed means, but is entirely ignorant of the best mode of employing those afforded him; and one of the last things a young Officer or Soldier learns, is how to manage his domestic concerns; though he soon becomes acquainted with the necessity of this knowledge, both for his health and his comfort.

When a Recruit receives his ration, if the meat be fresh, he broils it to a cinder, on the coals, on the end of his ramrod; if salt pork, he eats it raw, and if salt beef, he boils it, and, with his bread, will make a pretty good meal for some time; but in the morning and evening he feels the want of his usual infusion of tea, and at noon of his cus-

tomary supply of vegetables. As a substitute for the former, he warms the stomach with a gill of undiluted, corroding whiskey, and after living a few weeks in this way, is sent to the Surgeon, worn down with dysentery, diarrhoea, and other complaints of the stomach and bowels; if the Surgeon be sufficiently acquainted with his duty, to give him a light diet of soup, fresh vegetables and hospital stores, instead of loading him with medicine, he is shortly restored to health; and, from the same causes as before, as shortly returned to the Hospital; and after being for some months a burden to himself and the community, he is either buried, or discharged service, and, perhaps pensioned. This is a process, which every one on duty, during the late War, has repeatedly witnessed, which occurred with the majority of those enlisted, and which rendered the muster-rolls of the Army a mere list of Invalids.

Whenever the mortality was great, during the late War, it was attributed to the *quality* of the ration; but the fact is, it was on an average, as good at these places as usual; and that this was the case, is proved from the circumstance, that the Regiments, at these Stations, commanded by experienced Officers, as well as those in the vicinity, were often in a great measure exempted from disease.

There were 2 Corps, one noted for their good police, and the other for their depredations on the fields and gardens of the Citizens, and they afforded a continual proof of the true cause of the difference in the health of the Men; for experience soon taught both Officers and Men, the importance of preparing their food in the form of *soups*; and whenever this was done, by either, in consequence of police regulations, or from the Soldiers obtaining a supply of the necessary ingredients, the good effects were constantly observed; and from what has been adverted to, relative to the diet natural to Man, and the *rationale* of its operation, the reasons must be obvious.

It is true, the same judicious arrangements, which not only obliged the Men to cook their provisions in the best manner, but also provided them with the necessary ingredients, would conduce to their health, in various ways; but, as was the case in the 2 Corps above alluded to, change of position, or circumstances, produced the same result upon those who had a good police, as upon those who had no police at all; and as the only apparent difference in their situation, arose from their being able to obtain a variety of articles, in addition to their ration, and to prepare them in a suitable manner, there can be no doubt that the *nature*, and not the *quality* of the ration, was the true cause of its effects. This is also confirmed by the practice found most beneficial in the Hospitals, as most Patients require only a proper diet to restore them to health, while animal food, in a solid form, was generally nauseated.

One of the Divisions of the French Army, in 1810, was so far re-

duced by diarrhoea and dysentery, as to lead to a full and satisfactory investigation of its causes; and it was clearly shown, in a Memoir of the Surgeon General of the Division, to arise entirely from the ration, to which they had for some time been confined. Being unable to obtain the usual supply of vegetables, they were furnished, like our Army, with bread and meat only, and principally the latter, which was in general salted pork; so that the effects of such a diet are not peculiar to our own Country.

In fact, if we compare our ration with that of the French and English, the 2 Nations probably best instructed in most military matters, the defects of the former will be apparent.

They are as follows:

	<i>French.</i>	<i>English.</i>	<i>American.</i>
Bread	24 $\frac{7}{8}$ oz. or	Flour or	Flour 18 oz.
Biscuit	17 $\frac{3}{4}$ oz.	Bread 24 oz.	
Fresh Meat or			
Salt Beef	8 oz. or	Beef 16 oz. or	Beef 20 oz.
Salt Pork	6 $\frac{1}{2}$ oz.	Pork 8 oz.	Pork 12 oz.
Rice	1 oz.	Peas 1 gill.	
Dried Pulse	2 oz.	Butter or	
Wine	2 gills, (nearly)	Cheese 1 oz.	Whiskey 1 gill.
Brandy	$\frac{1}{2}$ gill, (nearly)	Rice 1 oz.	

From this it appears, the American has more than twice as much meat as the French, and more even than the British Soldier; while our ration of bread is about two-thirds of their's, although we have no other vegetable. It should also be observed, that the British issue no ardent spirits; and the French but a small portion, though their habits in this respect render such an allowance at least *harmless*.

Since then, the health, and, of course, the efficiency of an Army depend so much upon the ration, this subject becomes one of no small political importance; and an "Old Soldier" of our Country, in his "Advice to Young Generals," has very pertinently commenced with "the belly;" as he considers a man's stomach to have an essential effect both upon his ability and his inclination to fight, and, among other causes of the almost universal success of the Armies of Barbarians, and especially of semi-civilized Nations, their being subject to little or no change in their mode of living, when in actual service, is a very prominent one; for they are not only less liable to be diminished by disease, but they add to the full enjoyment of all their physical powers, the no less important *moral effect* of high health and consequent good spirits; the want of which generally completes the destruction of a beaten and retreating Army.

Among the Ancients, the ration of the Soldier was principally, if not entirely, vegetable; and it is well known what immense burdens they carried, what fatigues they underwent, and what surprising

marches they often performed ; this, however, probably depended in a great measure, like the success of the Armies above alluded to, upon the little change required in their mode of living when called from their homes to the field.

Whenever, therefore, the progress of civilization, or the natural fertility of a Country, enables the mass of the Population to habituate themselves to a degree of luxury in living, it becomes necessary, in time of War, to put in requisition the wealth and the means, these very circumstances conduce, in time of Peace, to counteract the evil. If an Army of Barbarians required less in the field, they had also fewer resources ; and since experience has shown the impossibility of accommodating our habits to our supplies, it becomes necessary to adapt our supplies to our habits. The truth of these remarks will appear from considering that, in the progress of almost every Nation from barbarism to civilization, the point at which their Armies have been most formidable and efficient, is that where they unite the hardihood of the former to the resources of the latter,—where they have the use of wealth and science, without having learned to abuse them. This may be exemplified in the history of the Russian Empire since the time of Peter the Great.

Although not *immediately* connected with this subject, it may be well to observe, that what has been advanced in relation to the ration, is applicable in the fullest extent to the medical attendance and supplies of our Army. The Soldier, who, previous to enlistment, had no Physician but Nature, no Nurse but what chance or charity furnished, and who never knew what comfort and convenience were, will easily struggle through a disease that would be inevitably fatal to one who had been from his infancy accustomed to every assistance that professional skill, and the solicitude of friends, aided by a competency, at least, could afford.

But from the multiplicity of charitable Institutions among us, even our Paupers are better attended and furnished, when sick, than the Soldier can possibly be, without liberal supplies from the Public, assisted by an effectual organization of the Medical Staff, a rigid observance of regulations, and a strict attention to duty. Policy and economy, therefore, no less than humanity, require attention to this subject ; since, in addition to the loss of much time, it costs the Public several hundred dollars to supply the place of a good Soldier, who might often have been saved for the twentieth part of the sum.

Sutling, also, is a subject that deserves to be particularly noticed, since it is of nearly as much importance to the health, comfort, and convenience of the Army as the nature of the component parts of the ration : to the Officers it is more so ; for both in time of Peace and in active service, they are generally stationed so far from Cities and Villages, as to render them altogether dependent upon the occasional

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supplies of the irregular Followers of a Camp; and too often money cannot procure a decent meal. From the experience of the late War, there can be no doubt, but that this circumstance alone, rendered the service on the Frontier more unpleasant and unpopular, and caused more *desertion*, if it may be so termed, than all others together. In fact, it often amounted to absolute want, for after living a few weeks upon the Soldier's ration, diarrhœa and dysentery would render bread and meat as useless as stocks and stones. And even when the Camp was surrounded with Hucksters, they extorted in a short time all the money an Officer possessed, for supplying him with a bare subsistence; so that it too often happened that those particularly in the subordinate grades, were, from absolute poverty, obliged to descend to habits and practices totally inconsistent with the character of Officers or Gentlemen. It would frequently require nearly all the pay and emoluments of a Captain to discharge his mess-bill: the situation of Subalterns therefore may well be imagined, since the scarcity of supplies rendered it impossible to adapt his living to his means.

Feeling the importance of this subject, Commanding Officers repeatedly attempted to obtain and secure regular Sutlers, who, from having the exclusive right to sell to their Corps, might be able and willing to furnish them regularly at a low rate. But this was found impracticable; in the first place from the irregularity with which the Army was paid; and secondly from the small security the Sutler had for his money. The former was, of course, the chief cause of the latter.

I have known an honest and faithful man lose from 800 to 1000 dollars, by the death, desertion, and discharge of Soldiers, who had not been paid for many months, and some of them for 2 years. The consequence was obvious; the Sutler was soon obliged to quit his business, and in the mean time, to charge an enormous profit to make up for these losses, in addition to those arising from the necessity of borrowing money, or purchasing at a long credit, and of course at a great advance.

In actual service, *perhaps* the Troops cannot always be regularly paid; some mode should therefore be adopted to secure the Sutler his just and *authorized* demands, in *all cases*, which I apprehend might be easily effected. If this were done, he could furnish a mess of 10 men with all the groceries, &c. they require, for 10 dollars per month; whereas they now spend one-half their pay for occasional supplies of the worst kind; and at the same time, a mess of Officers might live better for 3 dollars per week than they often do for 4 or 5 times that sum.

In the British Army this subject has received the attention it deserves; so that a British Regiment is generally better supplied and at a cheaper rate than any of the neighboring Citizens; and it

surely is of equal importance to us, if, without costing the Public a cent, we can by suitable Laws and Regulations enable both Officers and Men to purchase health and comfort for half the money they now pay for imposition and disease.

Before quitting this point, it should be observed, that no important arrangement for the Army, can be considered in the *abstract* : there is such a dependance upon the Military Regulations, that it is often impossible to foresee the consequences of bad ones.

From the want of proper and regular supplies, for example, the important subject of *Messing*, has been almost entirely neglected. An Officer, instead of finding in his Regimental Mess a comfortable home, in which he feels an interest, and to which he is pleased to return, submits with reluctance to a few months of privation and hardship, and then commences his operations to effect a retreat to the interior, and leaves his place to be temporarily supplied by another equally discontented sojourner; and it is a fact, no less important than true, that those Commanding Officers who have made the greatest progress in Regimental Police, have the least trouble in calling home their wandering Officers, and keeping them there. It is in vain to say, as is often the case, that a Soldier must expect these things, for, like all others, he will to a certain extent consult his own convenience. The Camp at French Mills, in the fall of 1813, was sufficient proof that the comforts of Officers are of no small importance to the Public; for, as soon as they found themselves in the wilderness, without houses or food, they not only quitted their Posts upon the most trifling pretences, but many, who would have faced the Enemy with pleasure, fled from privation, in a manner that came little short of *desertion*. After what has been observed upon the nature of the ration, the necessity of a regimental grocery for the *health* as well as comfort both of Officers and Men, will not probably require further proof.

With regard to the articles best suited to compose the Ration, it is necessary that they be not only adapted to the habits of the Soldier, but also of such a nature as to be easily procured, of a good quality, and capable of being preserved from injury, in the several parts of the Country where they are to be used. Wheat flour is easily damaged in all places, and in that state is extremely prejudicial to health. Most of the diseases of the Troops during the late War, were by general consent attributed to the ration; but though by no means true to the extent believed, it was too often so, and, 9 times in 10, damaged flour was the noxious article. At French Mills particularly, where the mortality was almost incredible, the flour was unfit for any human stomach. Where it can be obtained, therefore, *kiln-dried corn-meal* is far preferable to flour in every respect; but where it cannot, the evil may in a great measure be remedied, by causing the latter to be baked in the form of hard biscuits, which can not only be preserved a

much longer time, but are more palatable and less injurious when damaged, and far more nutritious when good, than the soft bread furnished to or made by the Soldiers.

This it is believed is a matter of no small importance, not only on account of the bad effects of damaged flour, but from the fact, well known to many Valetudinarians, and most Physicians, that hard bread, or soft bread toasted, is much more easily digested, and affords more nutriment, than in any other form, however good the quality may be; and, since a pound of this bread will be equal to a pound of flour, the baking will be but little if any additional expense.

For the same reason that kiln-dried corn-meal should, in many cases, be substituted for flour, bacon ought to be furnished instead of salt beef and pork; at the South particularly, this change appears absolutely necessary for the health of the Troops. With this alteration, and a proper reduction of the *quantity* of the meat, this part of the ration, provided a due proportion of it be *fresh*, would be as good as can possibly be required.

As to the additional vegetables that may be substituted for part of the meat, the kinds best adapted to this purpose on every account, are those used by the British and French, viz.: peas, beans, and rice: they may be obtained in abundance, and generally at a low rate; and if issued either regularly or occasionally, would not only promote the health and comfort of the Soldier, by approaching near to his accustomed food, but by enabling him to introduce frequent changes in his mode of preparing it.

The deleterious effects of ardent spirits, particularly in the Army, are well known; for in the Reports of Sick, "sudden death from intoxication," is no small item. It is suggested, therefore, whether this unwholesome poison should not be altogether excluded, and the healthy drinks of molasses and water, or beer, substituted for it: if I am rightly informed, by supplying molasses and the *essence* of spruce, one *quart* of beer may be furnished for about the same sum as one *gill* of whiskey. The necessity of this will be more evident, when it is remembered, that in fact the Soldier has, at present, only water with his meals; for, notwithstanding all regulations, he will make a morning dram of his whiskey, which is one chief cause of its injurious effects.

At the request of the Surgeon attending a Post, where the men were severely attacked with dysentery, this last summer, the Commanding Officer stopped the whiskey altogether; and an immediate check was given to the disease. This however, is but one of many instances, of the good consequences resulting from such Orders, and particularly at the South, during the summer months.

Almost all classes of men among us are accustomed to the free use of spices and other condiments, particularly of *pickles*; which, on account of the vegetable acid they contain, are both a pleasant and

healthy stimulus, to the stomach. Indeed vinegar is of great use on many accounts; it is one of the best correctors of the superabundance of bile, induced by an unnatural or long continued stimulus; whether it be the excessive heat of a warm climate, an abundance of animal food, or that of a crude consistence, or a too free use of ardent spirits; in the latter case, as well as where laudanum or other narcotics have been taken, it seems to act as a specific. Whenever therefore the Soldiers are supplied with the lighter vegetables, as cabbages, beets, cucumbers, &c. which may, by suitable arrangements, easily be done, especially on the Peace Establishment, there can be no doubt of the benefit of allowing a sufficient quantity of vinegar to furnish them with a regular supply of pickles; and even without these it might be used with great advantage, and would generally be very acceptable in its simple form.

If, from these considerations, it should appear that the health of the Army requires alterations in the ration, they will be of still greater weight when we remember, that, from the nature of our Public Institutions, the greater part of our Force in actual service, does, and will for many years, consist of Militia; of men who must necessarily, in all cases, be suddenly taken from their customary habits and comforts, and exposed to all the hardships and privations of the Soldier, without any of his advantages: the effects of this have been too lately and too severely felt, to be soon forgotten; and it is suggested, whether this circumstance be not of sufficient importance to have a very considerable influence in deciding, not only the nature of the ration, but of all those supplies upon which Militia, when on duty, are equally as dependant as the regular Soldiers; and as every able-bodied Citizen, is liable at a moment's warning, to feel the necessity of having these supplies as good as practicable, he will have less objection to furnish his portion of any additional expense, that may be necessary to insure their provision.

All which is respectfully submitted.

JOSEPH LOVELL,
Surgeon-General.

The Hon. J. C. Calhoun.

(J.)—*Regulations of the Subsistence Department.*

COMMISSARY-GENERAL.

THE Commissary-General of Subsistence will be stationed at Washington, and will have a general superintendence of his Department. He will make all Estimates of Expenditures for his Department, regulate the transmission of Funds to his Assistants, receive their Returns and Accounts, and adjust them for Settlement.

ASSISTANT-COMMISSARIES.

It shall be the duty of the Assistant-Commissaries or Storekeepers,

to receive and account, in the manner hereafter prescribed, for all Subsistence Stores entrusted to their charge, and to make and transmit to the proper accounting Officer, through the Office of the Commissary-General, all Returns and Accounts. They will not receive Subsistence Stores from the Contractors, until duly inspected according to the terms of the Contract.

In case of failure on the part of the Contractor, or a deficiency of Rations, the Assistant-Commissary, stationed at the Depot where such failure happens, shall give immediate notice thereof to the Commissary-General; and shall, at the same time, make purchases of the necessary supplies on the best terms possible.

It shall be the duty of the several Assistant-Commissaries, or Storekeepers, stationed at the Depots, where Subsistence Stores shall have been inspected, and delivered agreeably to the conditions of the Contract, to give the Contractor Duplicate Receipts for the same, stating at length the articles as enumerated in the Contract.

Whenever it is found necessary to forward subsistence stores to an Out-post, the Assistant-Commissary, or Storekeeper, stationed at the Depot, will require the necessary transportation of the Quartermaster's Department, and will forward with the supplies, Triplicate Invoices, 2 of which will be receipted, and returned by the Receiving Commissary, and one of them must accompany the Monthly Return of Stores received and issued.

The Assistant Commissary or Storekeeper, will be held strictly accountable for the good condition of the Supplies, when turned over to the Quartermaster's Department, for transportation. They will be held accountable for the safe keeping and storage of all Supplies entrusted to their charge, and they will require of the Quartermaster's Department, good and sufficient Storehouses for that purpose; and it will be their duty to examine frequently into the state of the Stores, and to prevent damage or waste of any description.

Should subsistence stores become damaged or unfit for issue, the Assistant Commissary or Storekeeper having them in charge, will report the same to the Commanding Officer of the Post, who is hereby authorized and required to institute a Board of Survey, to be composed of 2 Officers, when the service will permit; otherwise of 2 respectable Persons well qualified to act, under oath; and all Stores found damaged and unfit for issue, from causes other than neglect of the Assistant Commissary or Storekeeper, shall be condemned and sold, the Auctioneer's Bill of such sale to accompany the Account current, and an Invoice of the Stores thus condemned, with the cause of damage certified by the Board of Survey, to accompany the Monthly Return of Stores received and issued; and in case the Board of Survey be of opinion that Stores have been damaged by neglect of the Assistant Commissary or

Storekeeper, they will make out an Invoice of the articles damaged, and certify the same to the Commissary-General at Washington, who will have the amount of such damaged articles charged to the Assistant Commissary or Storekeeper, in his Accounts with The United States.

Issues to the Troops will be made on Provision Returns, signed by the Commanding Officer of the Post, agreeably to the form hereafter prescribed; and at the end of every month the Assistant Commissary will make out Duplicate Abstracts, which will be compared with the Original Returns, and certified by the Commanding Officer of the Post; one of which Abstracts must accompany the Monthly Return of Stores received and issued. Issues will be made for Men in hospital, on Returns of the Senior Surgeon, for the whole or parts of rations. When parts only are drawn, the Assistant Commissary will, on requisition of the Surgeon, purchase and issue eggs, fowls, milk, or other articles of subsistence, in lieu thereof, which he will account for in the same manner as other subsistence stores purchased and issued.

Abstracts for issues to the hospital will be made out by the Assistant-Commissary, and certified by the Surgeon in the usual form, one of which will accompany the Return of stores received and issued.

Officers commanding Recruiting Parties, distant from Depots, will enter into a written Contract, for the rations necessary for his party, first giving the necessary public notice for proposals. The issues will be made on Returns for the complete ration, of which Abstracts will be made at the end of each month, certified in the usual form. A Duplicate or certified Copy of the Contract, will be forwarded to the Commissary General at Washington.

When Troops are detached to points where there is no Assistant Commissary, the Commanding Officer of the Post or Detachment may appoint an Officer to do that duty, who will, while acting, be entitled to the additional pay of an Assistant Commissary; but as such appointments are only necessary to meet the casualties of service, the Officer thus appointed will not be considered on pay after he has ceased to perform the duties. Officers making appointments of this nature, will forthwith report them to the Commissary-General at Washington.

The Assistant-Commissaries will be located by the Commissary-General at the several permanent Depots, and established Posts, and they will not be removed but by Orders from the Commanding-General of the Troops or the Commissary-General of Subsistence, except when Posts are evacuated, or in case of Courts Martial; in the latter case, a suitable Person is to be appointed by the Commanding Officer to do that duty.

A reasonable per-centage will be allowed for unavoidable waste, in issuing provisions, to be accounted for in the Monthly Returns of Stores, received and issued.

CONSTITUTIONAL ACT of the Principality of Lichtenstein.—Eisgrub, 9th November, 1818.

(Translation.)

WE, JOHN JOSEPH, by the grace of God, Sovereign Prince and Ruler of the House of and at Lichtenstein of Nickolsburg, &c., do hereby fulfil the Stipulation contained in the XIIIth Article of the Act organizing the Germanic Confederation, in the following manner:

ART. I. Having, since the dissolution of the Union existing under the German Empire, introduced into our Sovereign Principality of Lichtenstein the civil and penal Laws, and the judicial forms and proceedings, established in Austria, and having also subsequently adopted still more of the Austrian Legislation, by the formation of a Supreme Court of Judicature, of third instance, we do now, in like manner, adopt essentially, as a model for our said Principality, the Representative Constitution existing in the German States, belonging to Imperial Austria.

II. The Representative Estates shall be composed:

a. Of the Clergy.

b. Of the Laity.

III. Among the Clergy shall be included all the Possessors of Ecclesiastical Benefices, and all the Ecclesiastical Communities. They shall elect, by an absolute majority of voices, from among themselves, 3 Deputies for life, that is to say, 2 for the Clergy of the County of Vaduz, and 1 for the County of Schellenberg, whom they shall present, for approval and confirmation, to the Chief Authorities of our Bailiwick at Vaduz. In addition to these, every possessor of an Ecclesiastical Benefice, who is in the enjoyment of a Property, either of a fixed character or that is subject to the payment of taxes, of the value of 2,500 florins, calculated according to the present scale of valuation for Taxes, or who contributes, upon a Capital of that value, to the general necessities of the Principality, shall have a right to be a Member of the Representative Assembly.

IV. The Laity shall be represented by the temporal Superintendents or Judges, and by the sworn Elders or Treasurers of each Commune. All our other Subjects also who pay, according to the existing scale of taxation, a rate upon landed property vested in their own persons, and valued for such rate at 2,000 florins, who are 30 years of age, of irreproachable and independent character, and of a peaceable disposition, shall have a right to be Members of the Representative Assembly.

V. A Register, containing a list of the Individuals who are entitled to belong to the Estates, shall be prepared and kept at the Chief Office of the Bailiwick belonging to our Principality at Vaduz, and in such Register shall be inscribed, gratis, after establishing their respective

claims, the names of Individuals belonging to the Classes mentioned in Articles III and IV.

VI. If the Chief Authorities of the Bailiwick belonging to our Principality before-named should think proper to refuse to register, when desired, any of the Individuals above described, as Members of the Estates, who may be proposed for this purpose or may exhibit their right thereto, they shall respectfully submit to us the reasons for their refusal, and await our supreme determination thereupon.

VII. In all Official Addresses, whether written or verbal, the title of "Herr," (Mr.) shall be given to those Spiritual Members of the Estates who have been inserted in the Register, and in case of their personal appearance before the Authorities of the Country, they shall be entitled to the distinction of having a seat assigned to them.

VIII. If those Possessors of the large Landed Estates, who are not Subjects of the Principality, or their Representatives, should, after they have been inserted in the Register, be desirous of attending the Sitzings of the Representative Assembly, they shall be entitled to claim the distinction accorded to the Spiritual Members, and shall take equal rank with them.

IX. For the ordinary Meetings of the Estates, we will, previously to the expiration of each year, appoint a time for commencing the Session, at which our Bailiff for the time being at Vaduz, shall, as our Sovereign Commissioner, preside, direct the order of proceedings, and open and close the Session. This Session shall be considered permanent until the issuing of the next summons, provided we do not in the mean time give directions to our said Commissioner, even in the course of the year, should it be necessary, to summon our trusty Estates to an Extraordinary Session. Each Member of the Estates shall be summoned in writing, a fortnight previously to each Session.

X. Any Meeting of the Members of the Estates convened of their own arbitrary will, and without previous convocation, and also any prolongation of their Session effected also of their own accord, shall, in addition to the nullity of their Resolutions, be punished with the loss of their right as Members, and even still more severely punished, according to circumstances: disorderly and irregular conduct shall also be punished in accordance with the regulations prescribed in the Laws.

XI. We will submit to every Assembly of our faithful Estates, founded upon the explanations which we may bring forward, the sums which will be required for the public exigencies; and inasmuch as no part thereof will be destined for our own use, but only for those expenses which are necessary for the internal administration, and for external relations, our trusty Estates will have to deliberate only upon the propriety of raising the sums required, and the means of providing them.

XII. It being our decided determination that all fixed and immoveable Property of every description, without distinction as to the Owners of the same, shall be taxed in an equal proportion, and that a perfect equality also in supporting the public burthens shall secure each individual Subject against over-assessment, the maintenance of this equality shall be the special care of the Assembly of the Estates.

XIII. The general advantage of the whole Country shall be the sole object of the Estates; and all partiality or favouritism towards Individuals or Classes shall be avoided. We, therefore, concede to every Member of the Estates the privilege of making those Propositions in the Diet which tend to the public good, but we reserve to Ourselves the right to approve or to reject the resolutions of the Assembly, respecting those Propositions.

XIV. Those Propositions shall not, however, have reference to matters which affect our own peculiar Domanial, or Personal, Revenues, either according to local Regulations, or long established usage, because, although they may be included under the name of Regalia of the Country, they are, notwithstanding, our own private Property, and do not come within the cognizance of the Assembly of the Estates.

XV. On the other hand, we give our most gracious assurance to our faithful Subjects, that we will, upon the introduction of new general Taxes affecting property, unless an objection thereto can be justified by right of Sovereignty, or be founded upon a Domanial Title, consent that they be submitted for the deliberation of the Estates, and that we will not refuse our supreme approval of them in all proper and equitable cases, in which we are concerned.

XVI. We cannot concede to Members of our faithful Estates the right of submitting Propositions, which have reference to the civil, political, and penal Departments of the Administration, in consequence of the circumstances already mentioned in Article I; nor the right of submitting Propositions which have reference to the external relations of the State, on account of the necessary concert and agreement which it is necessary to maintain with other and powerful States of Germany.

XVII. The absolute majority of voices of the Members of the Estates present in the Assembly, shall form a Resolution, which shall have the force of Law, so soon as we shall have given our supreme sanction to the same. Previously thereto, the Commissioner of our Sovereign Principality shall, after having clearly ascertained the object of the Resolution, enquire, alternately, the opinion of the ecclesiastical and lay Members of the Estates, one by one, beginning with the former: he shall then insert in the Protocol, by means of his Official Secretary, each individual vote, and the reasons upon which it was founded, and shall cause the result thereof to be annexed thereto, and shall thus submit to us the Resolution of the Assembly.

Given at Eisgrub, the 9th of November, 1818.

(L. S.)

JOHANN JOSEPH,

Prince and Ruler of the House of and at Lichtenstein.

THEOBALD VON WALBERG,

Principal Aulick Councillor of His Serene Highness the Reigning Prince of Lichtenstein.

JOHANN ALBERT RITTER VON OSTHEIM,

Aulick Councillor of the Prince.

By the special command of His Serene Highness the Prince,

JOSEPH FREIHERR VON BUSCHMANN, *Secretary to the Prince.*

PROCLAMATIONS of the President of The United States, permitting the Importation into American Ports, of Plaster of Paris (Gypsum), from the British Provinces of Nova Scotia and New Brunswick.—April, July, 1818.

(1.)—*Proclamation. 23rd April, 1818.—(Nova Scotia.)*

By the President of The United States of America.

A PROCLAMATION.

WHEREAS, by an Act of the Lieutenant-Governor, Council, and Assembly, of His Britannic Majesty's Province of Nova Scotia, passed in the year 1816, it was, among other things, enacted, that from and after the 1st day of May, of that year, "no Plaster of Paris, otherwise called Gypsum, which should be laden or put on board any Ship or Vessel at any Port or Place within the limits of the said Province, to be transported from thence to any other Port or Place within or without the said limits, should, directly or indirectly, be unladen, or landed, or put on shore, at any Port or Place in The United States of America, Eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American Ship, Vessel, Boat, or Shallop, of any description, at any Port or Place Eastward of Boston aforesaid, under the penalty of the forfeiture of every such Ship or Vessel from which any such Plaster of Paris, or Gypsum, should be unladen contrary to the provision of the said Act, together with her boats, tackle, apparel, and furniture, to be seized and prosecuted in manner thereafter mentioned."

And whereas, by an Act of the Congress of The United States, passed on the 3rd day of March, 1817, it was enacted, that from and after the 4th day of July then next, no Plaster of Paris, the production of any Country, or its Dependencies, from which the Vessels of The United States were not permitted to bring the same article, should be imported into The United States in any Foreign Vessel, and that all Plaster of Paris imported, or attempted to be imported, into The

United States, contrary to the true intent and meaning of the said Act of Congress, and the Vessel in which the same might be imported, or attempted to be imported, together with the cargo, tackle, apparel, and furniture, should be forfeited to The United States, and liable to be seized, prosecuted, and condemned, in the manner therein prescribed.

And whereas, by the said Act of Congress, it was further enacted, that the same should continue and be in force 5 years from the 31st day of January, 1817: Provided, nevertheless, that, if any Foreign Nation, or its Dependencies, which, at the time of the passage of the said Act of Congress, had in force regulations on the subject of the trade in Plaster of Paris, prohibiting the exportation thereof to certain Ports of The United States, should discontinue such regulations, the President of The United States was thereby authorized to declare that fact by his Proclamation; and the restrictions imposed by the said Act of Congress should, from the date of such Proclamation, cease and be discontinued in relation to the Nation or its Dependencies discontinuing such regulations.

And whereas an Act of the Lieutenant-Governor, Council, and Assembly, of His Britannic Majesty's Province of Nova Scotia, repealing the above mentioned Act of the said Province, passed in the year 1816, has been officially communicated by his said Majesty's Envoy Extraordinary and Minister Plenipotentiary to this Government.

And whereas, by the said repealing Act of the said Province of Nova Scotia, one of the Dependencies of the United Kingdom of Great Britain and Ireland, the regulations at the time of the passage of the said Act of Congress, in force in the said Province on the subject of the trade in Plaster of Paris, prohibiting the exportation thereof to certain Ports of The United States, have been and are discontinued.

Now, therefore, I, James Monroe, President of The United States of America, do, by this my Proclamation, declare that fact, and that the restrictions imposed by the said Act of Congress do, from the date hereof, cease, and are discontinued, in relation to His Britannic Majesty's said Province of Nova Scotia.

Given under my hand, at the City of Washington, this 23rd day of April, in the year of our Lord 1818, and in the 42nd year of the Independence of The United States.

JAMES MONROE.

By the President: JOHN QUINCY ADAMS, *Secretary of State*.

(2.)—*Proclamation. 4th July, 1818.*—(New Brunswick.)

By the President of The United States of America.

A PROCLAMATION.

WHEREAS it appears, by a Proclamation of the Lieutenant-Governor of His Britannic Majesty's Province of New Brunswick, bearing date the 10th day of April last, and officially communicated by his Envoy Extraordinary and Minister Plenipotentiary, residing in The

United States, to this Government, that the Regulations on the subject of the Trade in Plaster of Paris, prohibiting the Exportation thereof to certain Ports of The United States, which were in force in the said Province at the time of the Enactment of the Act of the Congress of The United States, entitled, "An Act to regulate the Trade in Plaster of Paris," passed on the 3rd day of March, 1817, have been and are discontinued :

Now, therefore, I, James Monroe, President of The United States, do hereby declare that fact, and that the restrictions imposed by the said Act of Congress shall, from the date hereof, cease and be discontinued, in relation to the said Province of New Brunswick.

Given under my Hand, at the City of Washington, this 4th day of July, in the year of our Lord, 1818, and in the 43rd year of the Independence of The United States. JAMES MONROE.

By the President: JOHN QUINCY ADAMS, *Secretary of State*.

ACT of the British Parliament, and Order in Council, relative to the Trade in Plaster of Paris, &c. with the Ports of Nova Scotia and New Brunswick, in British and Foreign Vessels.—May, 1818.

(1.)—*ACT of the British Parliament.—8th May, 1818.*

AN ACT to allow for 3 Years, and until 6 Weeks after the Commencement of the then next Session of Parliament, the Importation into Ports specially appointed by His Majesty, within the Provinces of Nova Scotia and New Brunswick, of the Articles therein enumerated, and the Re-exportation thereof from such Ports.

[Cap. XIX.]

[8th May, 1818.]

WHEREAS, by an Act passed in the 47th year of His Majesty's Reign, intituled "An Act for permitting, until the 25th day of March, 1809, and from thence to the end of the then next Session of Parliament, the importation of certain enumerated Articles into the British Colonies on the Continent of North America, from the United States of America, and the exportation of other enumerated Articles from the same Colonies to the said States;" which said Act was continued and extended by an Act passed in the 49th year of His Majesty's Reign, intituled "An Act to authorize His Majesty to permit, until the 25th day of March, 1812, any Goods and Commodities to be imported into and exported from Nova Scotia and New Brunswick, in any Ship or Vessel whatsoever;" which last-mentioned Act was continued by an Act passed in the 52nd year of His Majesty's Reign;—sundry Articles were allowed to be imported into and exported from certain Ports in His Majesty's Colonies of Nova Scotia and New

Brunswick, from and to certain Foreign Ports, which Acts have now expired: and whereas great advantage resulted to the said Colonies from the facilities given to the trade thereof by the said Acts: And whereas it is expedient to grant similar facilities at the present time; be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful, in any British-built Ship or Vessel owned and navigated according to Law, or in any Ship or Vessel belonging to the Subjects of any Sovereign or State in amity with His Majesty, to import into such Ports as shall be specially appointed for that purpose by His Majesty, within the Province of Nova Scotia or New Brunswick, the following Articles; viz. scantling, planks, staves, heading-boards, shingles, hoops; horses, neat-cattle, sheep, hogs, poultry, or live stock of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort; pitch, tar, turpentine, fruits, seeds, and tobacco.

II. Provided always, and be it further enacted, That none of the aforesaid Articles shall be imported into the said Ports so to be specially appointed, in Foreign Vessels, unless the said Articles shall be of the growth, produce, or manufacture of the Country to which the Vessels importing the same shall belong.

III. And be it further enacted, That it shall be lawful to re-export any of the said Articles either to the United Kingdom, or to any other of His Majesty's Possessions, in any British-built Ship or Vessel, owned and navigated according to Law.

IV. And be it further enacted, That it shall and may be lawful, in any British Ship or Vessel, or in any Ship or Vessel belonging to the Subjects of any Sovereign or State in amity with His Majesty, to export from the said Ports so to be appointed for that purpose, Gypsum, (Plaster of Paris,) grindstones, or other produce or manufacture of the said Provinces, and also any produce or manufacture of the United Kingdom, or of His Majesty's Colonies or Plantations in the West Indies, or any goods whatever which shall have been legally imported into the said Provinces; any thing in any Law to the contrary notwithstanding.

V. Provided always, and be it further enacted, That none of the aforesaid Articles shall be exported from the said Ports so to be appointed, to any Foreign Country or Place, in any Foreign Vessel, unless such Foreign Vessel shall belong to the Country to which the said Articles shall be exported.

VI. And be it further enacted, That it shall and may be lawful for His Majesty, by and with the advice of His Privy Council, to make such Rules and Regulations for the importation and exportation

of Goods and Commodities as aforesaid at the said Ports, with such penalties and forfeitures for the breach thereof, as shall seem fit and necessary to His Majesty, by and with the advice aforesaid.

VII. And be it further enacted, That this Act shall continue in force during the space of 3 years from and after the passing of the same, and until 6 weeks after the commencement of the then next Session of Parliament.

(2.)—*British Order in Council.*—27th May, 1818.

At the Court at Carlton-House, the 27th of May, 1818.

PRESENT, HIS ROYAL HIGHNESS THE PRINCE REGENT IN COUNCIL.

WHEREAS, by an Act, passed in the present Session of Parliament, intituled "An Act to allow for 3 years, and until 6 weeks after the commencement of the then next Session of Parliament, the importation into Ports specially appointed by His Majesty, within the Provinces of Nova Scotia and New Brunswick, of the articles therein enumerated, and the re-exportation thereof from such Ports," it is enacted, that it shall and may be lawful, in any British-built Ship or Vessel, owned and navigated according to Law, or in any Ship or Vessel belonging to the Subjects of any Sovereign or State in amity with His Majesty, to import into, and export from such Ports within the Provinces of Nova Scotia or New Brunswick, as shall be specially appointed for that purpose, certain articles in the said Act enumerated, any thing in any Law to the contrary notwithstanding; His Royal Highness the Prince Regent, by virtue of the powers vested in His Majesty by the above recited Act, is pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, to order, and it is hereby ordered, that from and after the date of this Order, and during the continuance of the Act above recited, until further order, made thereon, it shall be lawful, in any British-built Ship or Vessel, owned and navigated according to Law, or in any Ship or Vessel belonging to the Subjects of any Sovereign or State in amity with His Majesty, to import into the Port of Halifax, in Nova Scotia, and the Port of Saint John, in New Brunswick, any scantling, planks, staves, heading-boards, shingles, hoops; horses, neat-cattle, sheep, hogs, poultry, or live stock of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort; pitch, tar, turpentine, fruits, seeds, and tobacco; provided that such articles shall, in all the cases where the same shall be imported in Foreign Vessels, be of the growth, produce, or manufacture of the Country to which the Vessels importing the same shall belong, and that it shall be lawful in any British-built Ship or Vessel, owned and navigated according to Law, to export from the said Ports any of the said Articles either to the United Kingdom, or to any other of His Majesty's Possessions:

And it is hereby further ordered, that it shall and may be lawful, in any British-built Ship or Vessel, owned and navigated according to Law, or in any Ship or Vessel belonging to the Subjects of any Sovereign or State in amity with His Majesty, to export from the Ports of Halifax, in Nova Scotia, and Saint John, in New Brunswick, any gypsum, grindstones, or other produce or manufacture of the said Provinces, and also any produce or manufacture of the United Kingdom, or of his Majesty's Colonies or Plantations in the West India, or any goods whatever, which shall have been legally imported into the said Provinces; provided that none of the said articles shall be exported from the Ports above-named, to any Foreign Country or Place, in any Foreign Vessel, unless such Foreign Vessel shall belong to the Country to which the said articles shall be exported :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein accordingly.

JAS. BULLER.

PROCLAMATION of the President of The United States, publishing the Arrangement concluded with Great Britain, in April, 1817, relative to the Naval Force to be maintained by the Two Powers upon the American Lakes.— Washington, 28th April, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS an Arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord, 1817, between Richard Rush, Esq. at that time acting as Secretary for the Department of State of The United States, for and in behalf of the Government of The United States, and The Right Honorable Charles Bagot, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of His Britannic Majesty; which Arrangement is in the words following, to wit :

“The Naval Force to be maintained upon the American Lakes, by His Majesty and the Government of The United States, shall henceforth be confined to the following Vessels on each side; that is—

“On Lake Ontario, to 1 Vessel not exceeding 100 tons burden, and armed with 1 eighteen pound cannon.

“On the Upper Lakes, to 2 Vessels, not exceeding like burden each, and armed with like force.

“On the Waters of Lake Champlain, to 1 Vessel not exceeding like burden, and armed with like force.

"All other armed Vessels on these Lakes shall be forthwith dismantled, and no other Vessels of War shall be there built or armed.

"If either Party should hereafter be desirous of annulling this Stipulation, and should give notice to that effect to the other Party, it shall cease to be binding after the expiration of 6 months from the date of such notice.

"The Naval Force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the Armed Vessels of the other Party."

And whereas, the Senate of The United States have approved of the said Arrangement, and recommended that it should be carried into effect; the same having also received the sanction of His Royal Highness The Prince Regent, acting in the name and on the behalf of His Britannic Majesty;

Now, therefore, I James Monroe, President of The United States, do, by this my Proclamation, make known and declare that the Arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this 28th day of April, in the year of our Lord 1818, and of the Independence of The United States the 42nd.

By the President :

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

LETTER from the Secretary of the Treasury to Congress, transmitting Statements of the Importations into The United States, in American and Foreign Vessels, from 1st October, 1815, to 30th September, 1816.—15th April, 1818.

SIR,

Treasury Department, 15th April, 1818.

IN conformity with a Resolution of the House of Representatives, of May 29th, 1798, I have the honor to transmit, herewith, 2 Statements of the Importation of Goods, Wares, and Merchandise, in American and Foreign Vessels, together with an aggregate view of both, from the 1st October, 1815, to the 30th September, 1816.

I have, &c.

*The Honorable The Speaker
of the House of Representatives.*

WM. H. CRAWFORD.

(1).—General Statement of Goods, Wares, and Merchandise, imported into The United States, in American Vessels, commencing the 1st day of October, 1815, and ending the 30th day of September, 1816.

IMPORTATIONS FROM EUROPE.								
WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.							At 40 per cent.
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.	At 35 per cent.	At 40 per cent.	
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Russia - - - - -	18	111,454	11,734	979,776	8,553	-	-	13,53
Sweden - - - - -	466	9,072	4,435	365,591	2,801	-	-	74
Denmark and Norway - - - - -	-	-	-	26,442	4	-	-	9
Holland - - - - -	18,170	242,910	101,094	563,177	154,083	-	-	10,10
England, Man, &c. - - - - -	172,342	1,767,043	3,618,152	44,053,163	2,584,036	-	-	345,77
Scotland - - - - -	-	21,324	6,355	3,299,949	192,332	-	-	14,00
Ireland - - - - -	905	167,507	18,908	1,415,230	40,004	-	-	6,73
Gibraltar - - - - -	-	7,829	-	121,056	20,063	-	-	1,81
Hamburg, Bremen, &c. - - - - -	32,782	603,938	263,271	1,414,924	83,766	-	-	12,30
France on the Atlantic - - - - -	170,621	1,014,889	161,476	5,350,096	1,698,596	-	-	47,30
do. Mediterranean - - - - -	2,041	12,728	968	303,833	158,236	-	-	3,14
Spain on the Atlantic - - - - -	133	6,059	72	60,457	15,093	-	-	1,00
do. Mediterranean - - - - -	719	11,425	24	36,596	32,396	-	-	-
Portugal - - - - -	-	18,569	122	169,722	21,621	18	-	100
Fayal and the other Azores - - - - -	-	408	-	42	751	-	-	-
Italy and Malta - - - - -	2,459	181,856	1,078	487,934	251,973	-	-	7,30
Trieste and other Austrian Ports - - - - -	2,961	32,219	18,171	26,307	6,189	-	-	23,31
Total - Dollars.	403,657	4,158,033	4,206,780	56,569,200	5,525,011	18	-	81,450

IMPORTATIONS FROM ASIA AND AFRICA.								
WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.							At 40 per cent.
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.	At 35 per cent.	At 40 per cent.	
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
ASIA.								
Dutch East Indies - - - - -	-	1,709	86	3,170	344	-	-	-
British East Indies - - - - -	4,009	134,757	1,060	2,291,086	37,556	387,793	-	13
Manilla and Philippine Islands - - - - -	-	-	-	446	600	-	-	-
Turkey, Levant, and Egypt - - - - -	1,047	34,965	-	10,975	181,621	-	-	20
China - - - - -	9,174	322,471	36,220	1,865,153	98,520	-	-	285
AFRICA.								
British African Ports - - - - -	-	-	-	5,443	534	-	-	-
Bourbon and Mauritius - - - - -	19,364	9,224	-	127,014	8,776	7,075	-	14
Teneriffe and the other Canaries - - - - -	-	1,276	28	614	298	-	-	57
Madeira - - - - -	-	199	183	22,138	13,014	-	-	5,67
Cape de Verd Islands - - - - -	-	488	23	2,370	1,697	-	-	17
Morocco and Barbary States - - - - -	-	-	-	165	331	-	-	-
Africa, generally - - - - -	-	3,278	-	38,999	9,283	-	-	-
Total - Dollars.	83,594	508,367	37,570	4,487,568	352,541	394,868	-	3,601

IMPORTATIONS FROM WEST INDIES, &c.								
WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.							At 40 per cent.
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.	At 35 per cent.	At 40 per cent.	
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Swedish West Indies - - - - -	188	16,051	405	6,710	7,533	-	-	261
Danish do. - - - - -	25	6,263	1,179	18,569	3,936	-	-	300
Dutch do. &c. - - - - -	421	4,718	468	2,768	1,643	-	-	600
British do. - - - - -	219	625	86	12,928	2,658	60	-	55
British American Colonies - - - - -	544	12,382	26,471	285,222	49,552	-	-	674
Newfoundland - - - - -	-	10	198	-	-	-	-	-
French West Indies - - - - -	197	11,670	281	44,806	17,881	-	-	2,000
Florida - - - - -	-	6,203	1,602	5,481	3,516	-	-	30
Spanish West Indies - - - - -	198	71,975	5,075	161,441	37,865	-	-	1,100
Honduras, Campeachy, &c. - - - - -	-	581	-	-	-	-	-	-
Coast of Brazil - - - - -	270	2,404	-	27,059	19,874	-	-	-
Hayti - - - - -	529	11,074	1,120	25,223	13,374	-	-	36
Captured - - - - -	-	-	-	5,552	1,343	-	-	-
Uncertain Ports, &c. - - - - -	-	-	-	29,190	11,199	-	-	2,000
Total - Dollars.	2,586	144,646	35,885	621,779	174,914	60	-	6,511

(2)—*General Statement of Goods, Wares, and Merchandise, imported into The United States, in Foreign Vessels, commencing the 1st day of October, 1815, and ending the 30th day of September, 1816.*

IMPORTATIONS FROM EUROPE.						
WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.					
	At 8½ per cent.	At 16½ per cent.	At 22 per cent.	At 27½ per cent.	At 33 per cent.	At 46½ per cent.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Russia - - - - -	-	-	-	29,826	37	276
Sweden - - - - -	-	2,714	5,214	174,342	3,735	532
Denmark and Norway - - - - -	-	-	-	60,916	860	1,244
Holland - - - - -	3,946	8,638	32,593	97,206	25,959	2,110
England, Man, &c. - - - - -	45,899	250,531	516,963	2,607,639	1,659,242	94,936
Scotland - - - - -	87	20,788	22,294	1,211,077	61,942	5,107
Ireland - - - - -	568	80,624	20,607	419,389	21,747	7,930
Guernsey, Jersey, &c. - - - - -	-	-	39	7,083	1,297	-
Gibraltar - - - - -	-	-	-	3,235	19,233	-
Hamburgh, Bremen, &c. - - - - -	897	55,849	11,839	389,952	35,917	49,326
France on the Atlantic - - - - -	13,734	83,467	27,407	99,243	79,502	5,836
do. Mediterranean - - - - -	179	529	229	27,370	43,531	1,806
Spain on the Atlantic - - - - -	-	-	-	3,871	155	-
do. Mediterranean - - - - -	-	3,403	797	241	955	-
Portugal - - - - -	-	464	-	34,164	7,052	-
Italy - - - - -	507	3,848	-	121,919	37,371	5,596
Trieste and other Austrian Ports - - - - -	-	-	-	17,527	4,960	11,284
Total - Dollars.	65,817	510,855	637,982	5,305,000	2,003,495	185,983

IMPORTATIONS FROM ASIA AND AFRICA.

WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.					
	At 8½ per cent.	At 16½ per cent.	At 26½ per cent.	At 27½ per cent.	At 33 per cent.	At 46½ per cent.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
ASIA.						
British East Indies - - - - -	23,632	35,579	-	305,835	45	-
AFRICA.						
Bourbon and Mauritius - - - - -	-	-	615	-	751	-
Teneriffe and the other Canaries - - - - -	-	-	-	9,665	623	762
Madeira - - - - -	-	-	-	424	297	-
Cape de Verd Islands - - - - -	-	55	-	-	-	-
Africa, generally - - - - -	-	-	-	1,624	451	-
Total - Dollars.	23,632	35,934	615	317,548	2,167	762

IMPORTATIONS FROM THE WEST INDIES, &c.

WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.					
	At 8½ per cent.	At 16½ per cent.	At 22 per cent.	At 27½ per cent.	At 33 per cent.	At 46½ per cent.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Swedish West Indies - - - - -	-	-	-	187	80	-
Danish do. - - - - -	-	7,870	720	28,428	824	-
Dutch do. - - - - -	-	262	2	2,987	1,304	-
British do. - - - - -	-	19,446	4,154	316,180	71,588	3,698
British American Colonies - - - - -	9,384	34,450	9,968	86,508	16,657	718
Newfoundland - - - - -	-	-	-	-	-	-
French West Indies - - - - -	2,090	1,116	-	6,357	7,922	300
Spanish do. - - - - -	81	8,578	212	27,037	5,379	165
Florida - - - - -	-	533	-	4,204	866	-
Honduras, Campeachy, &c. - - - - -	-	62	-	715	106	-
Coast of Brazil, &c. - - - - -	-	185	-	4,809	2,841	83
Hayti - - - - -	61	5,794	457	1,281	4,118	-
Uncertain Ports, &c. - - - - -	-	22	-	24,780	2,605	303
Total - Dollars.	11,616	78,318	15,513	503,473	114,290	5,267

(3)—*General Aggregate of Importations from each Nation and its Dependencies, in American and Foreign Vessels, commencing the 1st day of October, 1815, and ending the 30th day of September, 1816.*

WHENCE IMPORTED.	Value of Goods paying Duties ad valorem.						
	At 7½ per cent.	At 15 per cent.	At 20 per cent.	At 25 per cent.	At 30 per cent.	At 3½ per cent.	At 40 per cent.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Russia - - - - -	18	111,454	11,734	1,009,702	8,390	—	13,600
Sweden and Dependencies - - -	654	27,837	10,054	547,880	13,949	—	2,367
Denmark do. - - - - -	26	14,224	1,800	181,886	10,624	—	1,600
Holland do. - - - - -	22,537	268,237	134,193	674,308	183,253	—	92,340
Great Britain do. - - - - -	257,689	2,553,396	4,244,175	66,430,968	16,028,531	867,263	641,100
Hamburg, Bremen, &c. - - -	33,679	659,782	275,110	1,204,686	124,063	—	244,806
France and Dependencies - - -	206,226	1,133,422	190,981	5,839,134	2,014,994	7,075	62,804
Spain do. - - - - -	1,131	109,105	7,810	310,767	97,539	—	2,790
Portugal do. - - - - -	270	23,171	1,406	259,723	67,147	18	5,693
Italy - - - - -	3,006	135,704	—	609,863	239,344	—	13,566
Trieste and other Austrian Ports - - - - -	2,961	32,219	18,171	43,734	11,149	—	36,625
Turkey, Levant, &c. - - - -	1,047	34,968	—	10,975	181,621	—	20
China - - - - -	9,174	322,471	36,220	1,985,153	98,520	—	206
All other Countries - - - -	684	20,169	1,577	126,814	42,674	—	2,337
Total - Dollars	540,901	5,436,153	4,932,739	69,805,243	18,172,418	394,946	1,018,200

Treasury Department,
Register's Office, 15th April, 1818.

JOSEPH NOURSE,
Register.

MESSAGE from the President of The United States to Congress, transmitting Communications from the British Government, in 1816 and 1817, relative to the Duty upon Iron imported, and to the Alien Tonnage Duties upon Vessels, levied in American Ports.—12th February, 1818.

TO THE SENATE AND HOUSE OF REPRESENTATIVES :

I LAY before the House of Representatives, Copies of 2 Communications received at the Department of State, from the Minister of Great Britain, and submit to their consideration the propriety of making such Legislative provisions as may be necessary for a compliance with the representations contained in them.

By the express terms of that Compact,* it was, when ratified by the 2 Governments, to be in force for the term of 4 years, *from the day of its signature*. The revocation of all the discriminating Duties became, therefore, the obligation of both Governments *from that day*, and it is conceived that every Individual who has been required to pay, and has paid, any of the extra Duties revoked by the Convention, has a just and lawful claim upon the respective Governments for its return. From various accidents, it has happened that both here and in Great Britain, the cessation of the extra Duties has been fixed to commence at different times. It is desirable that Congress should pass an

* Convention of Commerce between Great Britain and The United States.—London, 3rd. July, 1815.

Act, providing for the return of *all* the extra Duties *incompatible with the terms of the Convention*, which have been levied upon British Vessels or Merchandise after the 3rd of July, 1815. The British Parliament have already set the example of fixing that day for the cessation of the extra Duties of export, by their Act of 30th of June last, and the Minister of The United States in London, is instructed to require the extension of the same principle to *all* the extra Duties levied on Vessels and Merchandise of The United States, in the Ports of Great Britain, since that day. It is not doubted that the British Government will comply with this requisition, and that the Act suggested may be passed by Congress, with full confidence that the reciprocal measure will receive the sanction of the British Parliament.

Washington, 12th February, 1818.

JAMES MONROE.

(1.)—*Mr. Bagot to Mr. Monroe.*

SIR,

Washington, 18th November, 1816.

I HAVE the honor to call your attention to one of the provisions of an Act of The United States' Congress, passed on the 27th of April last, entitled "an Act to regulate the Duties on Import and Tonnage," which appears to have originated in some misapprehension of the real nature of one of the principal manufactures of Great Britain, and which has had an operation, not only very prejudicial to the British Manufacturer, but contrary, as it should seem, to the spirit and intent of the IInd Article of the Commercial Treaty:

By the IInd Article of the Commercial Treaty between Great Britain and The United States, it is stipulated that "no higher or other duties shall be imposed on the importation into The United States, of any articles, the growth, produce, or manufacture of His Britannic Majesty's Territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other Foreign Country.

By the Act of The United States to which I have referred, it is, among other things, enacted in the 6th section, that upon importation into The United States, Iron in bars and bolts, except Iron manufactured by rolling, shall pay a duty of 45 cents. per cwt.; and that in bars and bolts, when manufactured by rolling, and anchors, it shall pay a duty of 150 cents per cwt.

It was probably not known that the bar and bolt Iron, manufactured in Great Britain is, in the last process, rolled; whereas, the same article, both in Sweden and in Russia, instead of being rolled, is, in the same process, hammered; but when the Iron is manufactured into bar or bolt, whether by rolling or hammering, it is in precisely the same progress of manufacture, and is, in every respect, applicable to the same purposes of use, and ulterior manufacture, and consequently is, to all intents, a "like article." But by the inequality of the duties

which have been imposed, it seems to have been imagined, that rolled bar and bolt Iron is in a stage of manufacture beyond that of hammered Iron; and you will observe, that this supposition is strengthened by the circumstance of its being classed with anchors, which are in a state of complete and finished manufacture, and are worth £35 per ton in the British market, whilst bar and bolt Iron is only worth £11 per ton.

It may be assumed, that whenever duties are imposed on any Foreign article, in a graduated scale proportioned to its manufactured state, it is intended that the duty should be regulated by that state, and not by the process by which it is brought to that state. Iron in a certain state of manufacture is to be charged with a certain duty; the means of bringing it to that state, whether by hammering or rolling, is not to be had in consideration; for if it were, the effect would be to force each Nation to use exactly the same process, and, what certainly never could have been intended, to check and punish the application of ingenuity and improvement.

Considering, therefore, that the bar and bolt Iron manufactured in Great Britain, is, according to the true spirit and intent of the IInd Article of the Treaty of Commerce, in every respect, a "like article" with that manufactured in Sweden and Russia, it is hoped that such measures will be taken by the Government of The United States, as will allow of its admission to importation at the same rate of duty; and will place the British Manufacturer in that state of equality, in respect to Foreign Nations, which may accord with the undoubted intention of the late Treaty of Commerce between the 2 Countries.

I have the honor to be, &c.

The Hon. James Monroe.

CHARLES BAGOT.

(2.)—*Mr. Bagot to Mr. Adams.*

SIR,

Washington, 8th December, 1817.

IN my Letter to the Secretary of the Department of State, of the 9th of July, 1816, I had the honor to point out the difference of the periods at which effect had been given in the 2 Countries, to the Convention of the 3d of July, 1816, and to request that all Discriminating Duties, of a nature similar to those described in His Royal Highness the Prince Regent's Order in Council, of the 17th of August, 1815, which might have been levied between the date of that Order, and the 22nd of the following December, upon goods imported into The United States in British-built Ships, might be refunded.

No mention having been made in His Royal Highness's Order in Council, of Alien Tonnage Duties, they were not adverted to in the Application which I had then the honor to make: but as it was known that they had in fact been remitted by Great Britain, the American

Legislature, in strict observance of the spirit and intention of the Convention, included them in the Act passed on the 3rd of last March, authorizing the Secretary of the Treasury to cause repayments to be made of certain Alien Duties. By this Act, however, it was only provided that the Alien Tonnage Duties levied upon British Ships in American Ports, subsequently to the 17th of August, 1815, should be refunded, whereas, the same Duties, levied upon American Ships in British Ports, were remitted from the date of the signature of the Convention.

In order, therefore, that His Majesty's Subjects may partake of the full benefit of the reciprocity intended by the Convention, I have the honor to request, that remission may also be made of the amount of the Alien Tonnage Duties, which may have been levied upon British Ships in the Ports of The United States, between the 3rd of July and the 17th of August, 1815.

I have the honor to be, &c.

The Hon. J. Q. Adams.

CHARLES BAGOT.

LETTER from the Secretary of the Treasury to Congress, transmitting Statements of the Iron imported into, and exported from, The United States, in 1816 and 1817.—23rd February, 1818.

SIR, *Treasury Department, 23rd February, 1818.*

IN obedience to a Resolution of the House of Representatives of the 13th instant, directing the Secretary of this Department to lay before that House a Statement of the number of tons of bar Iron, Iron in pigs, cast and rolled Iron, that has been imported into The United States annually, and from what Countries the same may have been imported, from the 1st of May, 1812, until the 1st of May, 1817; and, if any, what quantity has been exported during the same period; I have the honor to submit 2 Statements from the Office of the Register of the Treasury. It may be proper to observe that, of Iron in pigs, and cast Iron, paying *ad valorem* Duties, the quantity imported or exported cannot be ascertained. The other articles enumerated in the Resolution, previous to the 1st of July, 1816, were subject also to *ad valorem* Duties; the Statements furnished, therefore, embrace only the time which has elapsed since that date.

I have the honor to be, &c.

The Honorable Henry Clay,
Speaker of the House of Representatives.

WM. H. CRAWFORD.

(1.)—*STATEMENT, showing the quantity of Manufactured Iron, in Bars and Bolts, imported into The United States, in American and Foreign Vessels, from the 1st of July, 1816, to the 30th of June, 1817.*

WHENCE IMPORTED.	From the 1st of July, to the 31st December, 1816.	From the 1st of January, to the 30th June, 1817.		
	Iron in Bars and Bolts.			
	Manufactured by rolling.	Manufactured otherwise.	Manufactured by rolling.	Manufactured otherwise.
	<i>Cwt.</i>	<i>Cwt.</i>	<i>Cwt.</i>	<i>Cwt.</i>
Russia - - -	—	110,478	—	3,471
Sweden - - -	—	194,701	200	7,412
Swedish West Indies - - -	—	318	—	5,800
Denmark and Norway - - -	—	5,911	—	5,945
Danish West Indies - - -	—	530	—	—
Holland - - -	—	2,749	—	341
Dutch West Indies - - -	—	—	200	173
England - - -	28,771	54,411	8,486	21,574
Scotland - - -	2,579	—	—	—
Ireland - - -	—	—	—	—
British West Indies - - -	—	—	20	87
Ditto American Colonies - - -	14	781	309	307
Hamburgh, Bremen, &c. - - -	1,398	28,917	—	6,326
France on the Atlantic - - -	14	5,400	—	2
Spain on the Mediterranean - - -	—	230	—	—
Floridas - - -	4	—	—	41
Spanish West Indies - - -	389	—	—	546
Portugal - - -	—	—	—	1,337
Madeira - - -	128	2,244	—	—
Fayal and the other Azores - - -	—	—	—	308
Cape de Verd Islands - - -	—	—	—	959
Italy - - -	—	365	—	—
Trieste and other Austrian Ports - - -	—	—	—	—
All other Places - - -	—	79	—	199
Total - Cwt.	33,097	407,064	9,215	55,129

Previous to the 1st of July, 1816, Iron in Bars and Bolts being subject to an ad valorem Duty, the quantity imported can only be ascertained subsequent to that period.

(2.)—*STATEMENT of Rolled and Hammered Iron, of Foreign Manufacture, exported from The United States, during the Year ending on the 30th of September, 1817.*

WHITHER EXPORTED.	Iron.	
	Rolled.	Hammered.
Dutch East Indies - - - - -	3,997	—
Gibraltar - - - - -	50	207
British East Indies - - - - -	952	614
Ditto West Indies - - - - -	200	—
Hamburgh, Bremen, &c. - - - - -	1,490	—
France, on the Atlantic - - - - -	99	—
Spain, ditto - - - - -	—	440
Teneriffe and the other Canaries - - - - -	7	500
Floridas - - - - -	6	—
Spanish West Indies and American Colonies - - - - -	6,276	2,547
Cape de Verd Islands - - - - -	598	—
Morocco and Barbary States - - - - -	50	—
China - - - - -	743	1,194
Asia (generally) - - - - -	6,934	3,061
West Indies (ditto) - - - - -	554	—
Africa (ditto) - - - - -	909	122
North-west Coast of America - - - - -	1,505	497
Total - - Cwt.	24,430	9,292

During the year 1816, there was only 199 cwt. of Bar Iron exported, and that to the Spanish West Indies.

Treasury Department, Register's Office, 21st February, 1818. JOSEPH NOURSE, Register.

ACT of the Congress of The United States, to increase the Duties on Iron in bars and bolts, Iron in pigs, castings, and nails, and Alum, imported into The United States.—20th April, 1818.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that, from and after the 30th day of June, 1818, the Duties now by law levied, collected and paid on Iron in pigs, Iron castings, nails, on Iron in bars and bolts, excepting Iron manufactured by rolling, and on Alum, imported into The United States, shall cease and determine; and there shall be levied, collected, and paid, in lieu thereof, the several and specific Duties hereinafter mentioned, that is to say: on Iron in pigs, 50 cents per hundred-weight; on Iron castings, 75 cents per hundred-weight; on nails, 4 cents per pound; on spikes, 3 cents per pound; on Iron in bars and bolts, manufactured without rolling, 75 cents per hundred-weight; on anchors, 2 cents per pound; and on Alum, 2 dollars per hundred-weight.

Sec. 2. And be it further enacted, that an addition of 10 per centum shall be made to the several rates of Duties above specified and imposed, upon the several goods, wares, and merchandise aforesaid, which, after the said 30th day of June, 1818, shall be imported in Ships or Vessels not of The United States: provided, that this additional Duty shall not apply to such goods, wares, and merchandise, imported in Ships or Vessels not of The United States, entitled by Treaty, or by any Act or Acts of Congress, to be entered in the Ports of The United States, on the payment of the same Duties as are paid on goods, wares, and merchandise, imported in Ships or Vessels of The United States.

Sec. 3. And be it further enacted, that there shall be allowed a drawback of the Duties by this Act imposed on goods, wares, and merchandise imported into The United States, upon the exportation thereof within the time, and in the manner, prescribed in the 4th Section of the Act, entitled, "An Act to regulate the Duties on Imports and Tonnage," passed on the 27th day of April, 1816.

Sec. 4. And be it further enacted, that the existing Laws shall extend to, and be in force for, the collection of the Duties imposed by this Act on goods, wares, and merchandise, imported into The United States, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter,

and thing, in the existing Laws contained, had been inserted in, and re-enacted by, this Act.

H. CLAY,

Speaker of the House of Representatives.

JOHN GAILLARD,

President of the Senate, pro tempore.

20th April, 1818.—Approved,

JAMES MONROE.

***PROCLAMATION of the President of The United States,
repealing the Discriminating Duties upon Bremen Ves-
sels and their Cargoes, in American Ports.—24th July,
1818.***

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of The United States, of the 3rd of March, 1815, so much of the several Acts imposing Duties on the Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a Discriminating Duty of Tonnage between Foreign Vessels and Vessels of The United States, and between goods imported into The United States in Foreign Vessels and Vessels of The United States, were repealed, so far as the same respected the produce or manufacture of the Nation to which such Foreign Ship or Vessel might belong; such repeal to take effect in favour of any Foreign Nation, whenever the President of The United States should be satisfied that the Discriminating or Countervailing Duties of such Foreign Nation, so far as they operate to the disadvantage of The United States, have been abolished :

And whereas satisfactory proof has been received by me, from the Burgomasters and Senators of the Free and Hanseatic City of Bremen, that, from and after the 12th day of May, 1815, all Discriminating or Countervailing Duties of the said City, so far as they operated to the disadvantage of The United States, have been and are abolished :

Now, therefore, I, James Monroe, President of The United States of America, do hereby declare and proclaim, that so much of the several Acts imposing Duties on the Tonnage of Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a Discriminating Duty of Tonnage between Vessels of the Free and Hanseatic City of Bremen and Vessels of The United States, and between goods imported into The United States in Vessels of Bremen and Vessels of The United States, are repealed, so far as the

same respect the produce or manufacture of the said Free Hanseatic City of Bremen.

Given under my hand, at the City of Washington, this 24th day of July, in the year of our Lord 1818, and the 43d year of the Independence of The United States.

By the President :

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

PROCLAMATION of the President of The United States, repealing the Discriminating Duties upon Hamburgh Vessels, and their Cargoes, in American Ports.—1st August, 1818.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of The United States, of the 3rd of March, 1815, so much of the several Acts imposing Duties on the Ships and Vessels, and on goods, wares and merchandise, imported into The United States, as imposed a Discriminating Duty of Tonnage between Foreign Vessels and Vessels of The United States, and between goods imported into The United States in Foreign Vessels and Vessels of The United States, were repealed, so far as the same respected the produce or manufacture of the Nation to which such Foreign Ship or Vessel might belong ; such repeal to take effect, in favour of any Foreign Nation, whenever the President of The United States should be satisfied that the Discriminating or Countervailing Duties of such Foreign Nation, so far as they operate to the disadvantage of The United States, have been abolished :

And whereas satisfactory proof has been received by me, from the Burgomasters and Senators of the Free and Hanseatic City of Hamburgh, that, from and after the 13th day of November, 1815, all Discriminating or Countervailing Duties of the said City, so far as they operated to the disadvantage of The United States, have been, and are, abolished :

Now, therefore, I, James Monroe, President of The United States of America, do hereby declare and proclaim, that so much of the several Acts imposing Duties on the Tonnage of Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a Discriminating Duty of Tonnage between Vessels of the Free and Hanseatic City of Hamburgh and Vessels of The United States, and between goods imported into The United States in Vessels of Hamburgh and Vessels of The United States, are repealed, so far as

the same respect the produce or manufacture of the said Free Hanseatic City of Hamburgh.

Given under my hand, at the City of Washington, this 1st day of August, in the year of our Lord 1818, and the 43rd year of the Independence of The United States.

By the President:

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

DISCOURS du Roi de France, prononcé à l'Ouverture de la Session des Chambres.—Le 10 Décembre, 1818.

MESSIEURS,

AU commencement de la Session dernière, tout en déplorant les maux qui pesaient sur notre Patrie, j'eus la satisfaction d'en faire envisager le terme comme prochain : un effort généreux et dont, j'ai le noble orgueil de le dire, aucune autre Nation n'a offert un plus bel exemple, m'a mis en état de réaliser ces espérances. Elles le sont. Mes Troupes seules occupent toutes nos Places ; un de mes Fils, accouru pour s'unir aux premiers transports de joie de nos Provinces affranchies, a, de ses propres mains et aux acclamations de mon Peuple, arboré le Drapeau Français sur les remparts de Thionville : ce Drapeau flotte aujourd'hui sur tout le sol de la France.

Le jour où ceux de mes Enfans qui ont supporté avec tant de courage le poids d'une Occupation de plus de 3 années en ont été délivrés, sera un des plus beaux jours de ma vie, et mon cœur Français n'a pas moins joui de la fin de leurs maux, que de la libération de la Patrie. Les Provinces qui ont si douloureusement occupé ma pensée jusqu'à ce jour, méritent de fixer celle de la Nation, qui a admiré, comme moi, leur héroïque résignation.

La noble unanimité de cœur et de sentimens que vous avez manifestée lorsque je vous ai demandé les moyens de satisfaire à nos engagements, était une preuve éclatante de l'attachement des Français à leur Patrie, de la confiance de la Nation pour son Roi ; et l'Europe a accueilli avec empressement la France replacée au rang qui lui appartient.

La Déclaration, qui annonce au Monde les principes sur lesquels se fonde l'union des 5 Puissances, fait assez connaître l'amitié qui règne entre les Souverains. Cette union salubre, dictée par la justice, et consolidée par la morale et la religion, a pour but de prévenir le fléau de la guerre, par le maintien des Traités, par la garantie des droits existans, et nous permet de fixer nos regards sur les longs jours de paix qu'une telle Alliance promet à l'Europe.

J'ai attendu en silence cette heureuse époque, pour m'occuper de la solennité nationale, où la religion consacre l'union intime du Peuple

avec son Roi. En recevant l'onction Royale au milieu de vous, je prendrai à témoin le Dieu par qui règnent les Rois,—le Dieu de Clovis, de Charlemagne, de Saint Louis; je renouvellerai, sur les autels, le serment d'affermir les Institutions fondées par cette Charte, que je chéris davantage depuis que les Français, par un sentiment unanime, s'y sont franchement ralliés.

Dans les Loix qui vous seront présentées, j'aurai soin que son esprit soit toujours consulté, afin d'assurer de plus en plus les droits publics des Français, et conserver à la Monarchie la force qu'elle doit avoir pour préserver toutes les libertés qui sont chères à mon Peuple.

En secondant mes vœux et mes efforts, vous n'oublierez pas, Messieurs, que cette Charte, en délivrant la France du despotisme, a mis un terme aux Révolutions. Je compte sur votre concours pour repousser les principes pernicieux qui, sous le masque de la liberté, attaquent l'ordre social, conduisent par l'anarchie au pouvoir absolu, et dont le funeste succès a coûté au Monde tant de sang et tant de larmes.

Mes Ministres mettront sous vos yeux le Budget des Dépenses que le service public exige. Les effets prolongés des événemens, dont nous avons dû subir, ou accepter les conséquences, ne m'ont pas encore permis de vous proposer l'allégement des charges imposées à mon Peuple; mais j'ai la consolation d'apercevoir, à une distance peu éloignée, le moment où je pourrai satisfaire à ce besoin de mon cœur. Dès à présent, un terme est définitivement posé à l'accroissement de notre Dette. Nous avons la certitude qu'elle diminuera dans une progression rapide. Cette certitude, et la loyauté de la France dans l'exécution de ses engagements, établiront sur une base inébranlable le crédit public, que quelques circonstances passagères et communes à d'autres Etats avaient un instant paru atteindre.

La jeunesse Française vient de donner une noble preuve de son amour pour la Patrie et pour son Roi. La Loi du recrutement s'est exécutée avec soumission, et souvent avec joie. Pendant que les jeunes Soldats passent dans les rangs de l'Armée, leurs frères libérés restent au sein de leurs familles, et les vétérans, qui ont rempli leurs engagements, rentrent dans leurs foyers; ils sont les uns et les autres des exemples vivans de la fidélité désormais inviolable à exécuter les Loix.

Après les calamités d'une disette dont le souvenir attriste encore mon âme, la Providence, prodigue cette année de ses bienfaits, a couvert nos Campagnes d'abondantes récoltes. Elles serviront à ranimer le commerce, dont les vaisseaux naviguent sur toutes les mers, et montrent aux Nations les plus lointaines le Pavillon de France. L'industrie et les arts étendant aussi leur empire, ajouteront aux douceurs de la paix générale. A l'indépendance de la Patrie, à la liberté publique, se joint la liberté privée, que la France n'a jamais goûtée si entière. Unissons donc nos sentimens et nos accens de

reconnaissance envers l'Auteur de tant de biens, et sachons les rendre durables. Ils le seront, si, écartant tout souvenir fâcheux, étouffant tout ressentiment, les Français se pénètrent bien que les libertés sont inséparables de l'ordre, qui lui-même repose sur le Trône, leur seul palladium. Mon devoir est de les défendre contre leurs communs ennemis ; je le remplirai ; et je trouverai en vous, Messieurs, le secours que je n'en réclamai jamais en vain.

DISCOURS du Roi des Pays Bas, à l'Ouverture de la Session des Etats Généraux.--Bruxelles, le 19 Octobre, 1818.

NOBLES ET PUISSANS SEIGNEURS,

(Traduction.)

MA Maison a reçu, pendant le cours de cette année, de nouvelles preuves de la protection divine, par la naissance d'un second rejeton de mon bien-aimé fils-ainé, le Prince d'Orange. A cette occasion, les habitans des Pays-Bas ont donné des témoignages non équivoques qu'ils regardaient cet événement comme une autre garantie de bonheur pour leurs descendans. Qu'ils soient persuadés que moi et mes enfans nous envisagerons toujours comme le plus cher de nos devoirs, d'inspirer à nos Successeurs l'amour que nous avons pour nos sujets, et la sollicitude que nous portons à leurs intérêts !

J'ai la satisfaction de pouvoir communiquer à vos Nobles Puissances, au moment où elles vont commencer leurs travaux, que la divine Providence a maintenu le repos en Europe. Si après l'heureux rétablissement de la paix, le séjour d'une armée d'occupation en France avait été jugé nécessaire pour y consolider la tranquillité rétablie, la résolution des puissances alliées, qui met un terme à ce séjour, et prescrit le départ de cette armée, prouve que le but proposé est atteint, et offre dans la confiance unanime des Souverains, à cet égard, la meilleure garantie d'une paix durable.

La situation intérieure du Royaume présente de nouveaux motifs de gratitude envers la Toute-Puissance.

Les Universités, les Athénées, les Colléges, sont organisés et en activité ; on donne une attention constante aux moyens de rendre ces établissemens à-la-fois et plus brillans et plus utiles encore. Les Administrations Locales, les particuliers même, secondent de la plus louable manière le Gouvernement dans ses efforts, ici, pour préparer et établir l'instruction primaire,—là, pour l'étendre et la perfectionner.

La dernière année a offert des gages sûrs et précieux de la renaissance des beaux-arts dans les Pays Bas. Plusieurs genres d'industrie se ressentent encore de l'influence des événemens, qui a produit de si importans changemens dans les transactions et intérêts de toute espèce ;

mais l'agriculture, au contraire, se trouve dans la plus favorable situation ; ses riches produits contribuent, non moins que la navigation et les relations commerciales, qui se multiplient avec les Indes, à donner au commerce cette vie et cette activité, dont la prospérité évidemment croissante de plusieurs grandes Villes et d'autres parties intéressantes du Royaume, est la conséquence et la preuve visibles.

La situation des pauvres est améliorée ; la bienfaisance innée à la Nation a été dirigé avec le plus louable zèle vers son véritable but. Les utiles Institutions des Banques de prêt et d'épargne s'étendent de plus en plus ; les Dépôts de Mendicité sont augmentés en nombre. Vos Nobles Puissances trouveront dans le Projet de Loi qui leur sera soumis, relativement au Budget de l'année prochaine, les dispositions nécessaires pour l'entretien des enfans-trouvés ; et comme l'absence de règles uniformes a souvent fait naître des incertitudes relativement au lieu où l'indigent a droit, non à être secouru, mais à participer aux secours existans, j'ai voulu qu'une Loi tendant à fixer ce lieu d'après des règles précises et justes, fût également proposés à vos Nobles Puissances.

Quelques rectifications de limites ont été réglées de concert avec les Etats Provinciaux, et seront soumises à vos Nobles Puissances.

La liquidation des Dettes Communales tardera peu à être entièrement terminée ; l'établissement des impositions municipales n'attend plus, pour être complété et généralisé, que la Loi dont vos Nobles Puissances auront à s'occuper, sur les pénalités des transgressions et le mode des poursuites.

L'exécution régulière de la Loi sur la Milice ne rencontre point ou peu de difficultés ; on le doit particulièrement à la bonne volonté que les miliciens mettent à remplir leurs devoirs : le nombre de ceux qu'il est nécessaire d'appeler pour compléter les contingens, devient plus petit d'année en année. Cependant, dans la vue de concilier de plus en plus la sûreté du Royaume avec les intérêts du Trésor, quelques modifications à la Loi existante seront proposées à vos Nobles Puissances.

La confiance avec laquelle votre Assemblée a sanctionné les dernières Lois sur les Finances, a produit une satisfaction générale. L'ouverture d'un Emprunt considérable a été, dans l'intervalle de quelques jours, suivie d'offres qui excédaient le double de son montant.

Sensible à cette preuve de bonne volonté et de force, me reposant sur le crédit parfaitement rétabli de l'Etat, tranquille quant à la situation du Trésor, certain que toutes les obligations contractées pouvaient être scrupuleusement remplies, je me suis vu encouragé à faire établir dès à présent les économies possibles, et à préparer celles qui pourraient l'être encore dans la suite.

Le Budget de l'Etat pour l'année prochaine, fera voir à vos Nobles Puissances jusqu'à quel point les efforts du Gouvernement ont déjà réussi à cet égard. Vous trouverez dans sa formation l'essai, déjà

annoncé, d'une division en dépenses ordinaires et extraordinaires ; et quoiqu'il comprenne de nouvelles sommes qui ont dû y être portées par suite des mesures de Finance que vous avez dernièrement adoptées, le total général en est inférieur à celui de l'année courante.

Il m'est agréable de pouvoir vous annoncer en même tems que, d'après le Compte qui sera communiqué à vos Nobles Puissances, et en admettant une évaluation égale dans le produit des impôts à celle de l'année courante, le *boni* des Exercices antérieurs est suffisant pour mettre le Budget des Recettes au niveau des Dépenses de l'année prochaine.

Afin d'obtenir ce désirable résultat, quelques dispositions législatives seront présentées à vos Nobles Puissances ; j'attends leur adoption avec d'autant plus de confiance, qu'elles sont de nature à convaincre tous ceux qui se trouvent intéressés à la situation des Finances de l'Etat, que les mesures déjà prises et celles à prendre encore à cet égard, doivent être comptées parmi les premiers objets de notre commune sollicitude pour le bien public. Ces Loix concourront encore à réaliser mes vues ultérieures à l'égard de ce qui reste à faire pour obtenir, à l'avenir, une balance égale entre les revenus et les dépenses. Dans un état de choses fixe et réglé, la majeure partie des besoins est indispensable ; pour parvenir à connaître ceux qui sont d'une autre nature, j'ai senti la nécessité de faire suivre et examiner tous les détails. Cet examen demande toutefois beaucoup de tems ; et si l'on veut qu'il soit fait avec les soins et l'attention desirables, toute précipitation serait dangereuse ; on y travaille avec activité ; et en y persévérant, j'espère avec confiance qu'il atteindra une maturité parfaite, et que mes desirs formels relativement à cet objet seront remplis.

D'autres objets importans vous seront également soumis pendant cette Session. J'espère pouvoir, dans la prochaine, présenter à vos Nobles Puissances le Projet du Code des Loix des Pays-Bas.

Et sur ce, Nobles et Puissans Seigneurs, j'ouvre la présente Session, et j'exprime mes vœux ardens et mon entière confiance, qu'elle offrira de plus en plus le caractère d'une conformité de vues et d'intentions entre le Roi et les Etats Généraux,—la plus propre à augmenter le bien-être du Royaume, et la prospérité de ses Habitans !

CIRCULAIRE des Cabinets d'Autriche, de La Grande Bretagne, de Prusse, et de Russie, (Parties Contractantes, avec La France, au Traité de Paris du 20 Novembre, 1815,) adressé aux Cours Etrangères, sur l'objet de la Réunion des Souverains Alliés à Aix-la-Chapelle.—Mai, 1818.

MONSIEUR,

LES Souverains Alliés qui ont signé avec la France le Traité du 20 Novembre, 1815, étant convenus de se réunir l'Automne prochain

pour, conformément à l'Article 6 du dit Traité, prendre en considération, de concert avec Sa Majesté Très Chrétienne, l'état intérieur de la France, et, d'après cet antécédent, décider si l'Occupation Militaire des Provinces frontières de ce Royaume peut cesser, ou bien si elle doit être continuée, mes Collègues et moi nous avons reçu les ordres de nos Cabinets respectifs de vous mettre à portée de faire connaître les motifs de cette réunion. Il n'existe aucun doute que l'Article susmentionné ne réserve aux Souverains Alliés le droit exclusif de décider seuls l'importante question qui en est l'objet ; cependant, Leurs Majestés Impériales et Royales, voulant éviter toute interprétation non fondée qui pourrait tendre à donner à leur réunion le caractère d'un Congrès, et écarter en même temps l'intervention d'autres Princes et Cabinets dans des discussions dont la décision leur est expressément réservée, ont ordonné à la Conférence de Paris de faire connaître, par l'organe des Ministres et Envoyés accrédités auprès des autres Cours et Etats, la résolution qu'ils ont prise de décliner toute ouverture contraire qui pourrait leur être adressée à cet égard, et de ne pas admettre aucun Plénipotentiaire qui serait envoyé au lieu destiné pour leur réunion.

En usant d'un droit qui leur est exclusivement réservé par le Traité de 1815, les Souverains Alliés ne veulent nullement attirer à eux les Négociations entamées à Paris, Londres et Francfort, lesquelles doivent être terminées dans les lieux où ces Conférences sont établies, et sous l'intervention de toutes les parties qui, vu la nature des affaires, sont appelées à y prendre part.

En conséquence, j'ai l'honneur, Monsieur, de vous informer de cette détermination unanime des Souverains Alliés, afin que vous vouliez bien vous exprimer dans le même sens, toutes les fois que le Gouvernement auprès duquel vous vous trouvez accrédité vous exprimerait l'intention ou le désir d'envoyer quelque personne, ou de prendre part, directement ou indirectement, aux délibérations réservées exclusivement à la décision des Cours Alliées.

Dans le cas où les circonstances fourniraient l'occasion d'entrer dans ces explications, vous êtes prié de réunir aux motifs de droit et de convenance qui justifient la mesure adoptée, toute la délicatesse et les égards propres à la représenter dans les mêmes vues et les mêmes sentimens qui l'ont dictée.

Veillez agréer, etc.

CIRCULAR of the Spanish Government to Friendly and Allied Powers, relative to the Bases of a Pacification between Spain and Spanish America.—Madrid, 17th June, 1818.

(Translation.)

EVER since the fatal events, which produced, as a necessary consequence of them, the extension of the revolutionary germ to Spanish [1817—18.]

America, and excited in those Regions the destructive design of separating his Subjects from their lawful Sovereign, the Government of His Catholic Majesty has laid down as unalterable principles for its conduct,—

1st. That of trying all means possible to human prudence for reuniting the misguided Men, employing those of moderation, and having recourse to those of severity with a most sparing hand; and,

2dly. That of seeking, in diplomatic relations, some line of policy for facilitating that re-union.

The emancipation of America, and its submission to its lawful Government, present sufficiently important considerations of policy for Europe to occupy herself in a question, which may generate a new order of things and communications, with respect to industry and commerce, as well as to policy, and which may perhaps be felt, in one of the alternatives, in a manner not indifferent to European prosperity; at the same time that it presents, also, in the other, a flattering and vast view, most analogous to the late arrangements which have so happily united all the true interests of the European Powers.

The efforts of these Powers have fortunately destroyed a similar ruinous system to that which originated and facilitated the American Rebellion, but it still remains for them to suppress the system in Spanish America, the scene of its most serious and lamentable effects.

His Catholic Majesty, always keeping in view the two above-mentioned principles, desirous of avoiding the bloodshed, horrors, desolation and ruin, consequent upon a war of this nature, and of more closely connecting, by all possible means, his relations with the Sovereigns of Europe, his Friends, and Allies, was awaiting a suitable opportunity to submit to their consideration this important matter, and the result of the Communications which have passed at different times, and have been lately renewed and carried on in the most friendly manner, with His Royal Highness the Prince Regent of Great Britain.

The insurrection of Pernambuco excited a sincere regret in His Catholic Majesty; and when he directed the attention of the Sovereigns, his Allies, to that event, it was necessary to point out to them the general interest which this vital question presented to all Europe.

It was with the greatest satisfaction that His Majesty received Replies from his high Allies, which opened the way for commencing an important Negotiation, in order that, by the interference of the Powers in the unfortunate events in America, and their employing their powerful and enlightened Mediation, a reconciliation with the Revolted Colonies might be obtained, by such effectual means as would put an end at once to the evils and to the immorality and political mischief of this state of things.

These first steps were followed by frank, amicable, and confidential Communications, between the Powers and Spain, calculated to

lead to this important Negotiation; and, as a well-founded hope may be drawn from them, that the Negotiation may now be undertaken in a manner likely to produce the happy results which form the object and the warmest wishes of His Majesty, he is of opinion that the opportune moment is arrived for declaring to the friendly and Allied Powers, in an official and solemn manner, the general and solid Bases upon which he has determined in his high policy to proceed in this great work, doing, on his part, all that can be desired from his conciliating and humane disposition.

For this reason, therefore, and in order not further to retard, as far as lies in his power, the great advantages and results which may be expected from this Negotiation, His Catholic Majesty has commanded to be addressed, at the same time to each of the Powers, this Note, the object of which, after recalling to their consideration all that has been hitherto communicated to them by the Spanish Cabinet, is likewise to present and renew to His August Allies the following Bases:

1st. A General Amnesty to the Insurgents, at the time of their submission ("reduccion").

2nd. An equal consideration, in favour of qualified Americans, with respect to Employments and Honours, in common with European Spaniards.

3rd. The arrangement of the Mercantile Relations of the Provinces with respect to Foreign Powers, upon principles liberal and suitable to the new aspect and political position of those Countries and of Europe.

4th. The manifestation of an unequivocal disposition, on the part of His Catholic Majesty, to adopt, in the course of the Negotiation, whatever Measures,—as well in favour of his Ultra-marine Provinces, as with respect to the manner of undertaking this interesting Enterprise,—may be suggested to him by His High Allies, which shall be compatible with the real object in view, his high dignity, and the preservation of his Rights.

Upon these principles, His Majesty is of opinion that the Negotiation may be immediately set on foot, in such a manner that, the Powers guaranteeing to His Catholic Majesty the attainment of his wished-for object, by means of a friendly interchange and arrangement of measures, proposals, and efforts, it may bring to a happy conclusion the most sublime Transaction witnessed for Ages, and the most fruitful in results of general utility and universal importance.

In making the above frank Communication to the Cabinet of His Majesty, by the express Order of my Sovereign, dated the 17th June, which I literally copy,—and which Communication embraces all that can be expected of His Catholic Majesty, as a foundation for the Negotiation, and as Bases susceptible of an enlightened applica-

tion and developement, in the friendly progress of the affair,—H Catholic Majesty flatters himself that the Sovereigns, duly appreciating the just sentiments which have occasioned it, will avail themselves of this opportunity to give to the World, in a memorable Transaction, the most pleasing hope of at length seeing restored to the political World, an epoch of union, of peace, and of the desire to benefit mankind,—and the empire of those sound principles which are alone suitable to Governments really enlightened and civilized.

TREATY of Peace and Friendship between Tuscany and Tripoli.—Signed at Tripoli, the 24th December, 1818.

(Translation.)

STANTE che Sua Eccellenza l'Onorabilissimo Signor Tommaso Maitland, Cavaliere Gran Croce dell'Onorabilissimo Ordine Militare del Bagno, uno dell'Onorabilissimo Consiglio Particolare di Sua Maestà, Luogotenente Generale e Comandante in Capite delle Forze di Sua Maestà nel Mediterraneo, Governatore dell'Isola di Malta e sue Dipendenze, Lord Alto Commissario di Sua Maestà negli Stati Uniti dell'Isole Ionie, e Gran Maestro del piu distinto Ordine di San Michele e San Giorgio;

Si è compiaciuto per un certo Documento sotto datato il 19 Dicembre, 1818, di costituire Delegato e nominare l'Illustrissimo Signor Hanmer Warrington, Scudiere, Console Generale di Sua Maestà Britannica, presso questa nostra Corte e Reggenza di Tripoli.

Il Rappresentante del nostro caro amato Amico Sua Altezza Reale Il Principe Reggente, la di cui mediata influenza ed amichevole disposizione noi siamo sempre desiderosi di coltivare, e la

WHEREAS the Right Honorable Sir Thomas Maitland, Knight Grand Cross of the most Honorable Military Order of the Bath, one of His Majesty's most Honorable Privy Council, Lieutenant-General and Commander in Chief of the Forces of His Majesty in the Mediterranean, Governor of the Island of Malta and its Dependencies, Lord High Commissioner of His Majesty in the United States of the Ionian Islands, and Grand Master of the most distinguished Orders of Saint Michael and Saint George;

Has been pleased, by a certain Document, dated the 19th of December, 1818, to constitute as Delegate, and to appoint the Most Illustrious Hanmer Warrington, Esquire, as Consul-General of His Britannic Majesty at this our Court and Regency of Tripoli.

Through the Representative of our dearly beloved Friend, His Royal Highness the Prince Regent, whose good offices and friendly disposition we are always desirous to cultivate, we were

quale c'indusse di fare una spontanea e volontaria offerta, come una manifestazione di nostri sentimenti, per mezzo delli 2 rispettivi Documenti, sotto datati il 6 Luglio, e 28 Novembre, 1818.

E siccome il primo tenore e contenuto è stato approvato da Sua Altezza Reale, e che si è compiuto d'esserne un Mediatore per la ristaurazione di pace e felicità tra Sua Altezza Imperiale e Reale il Gran Duca di Toscana, e noi Sua Altezza Il Bascia di Tripoli; ed il Suddito Illustrissimo Hammer Warrington, essendo investito con la suddita autorità, Noi lo riconosciamo per tale per l'arrangiamento e final determinazione, e concludere il presente Trattato di Pace tra nostri rispettivi Dominj, Suddetti, etc.

Dato sotto nostro Sigillo alla Corte di Tripoli, quest' Oggi, li 24 Dicembre, 1818. (L. S.)

In Nome dell'Omnipotente Iddio, chi è il solo Sovrano Dispensatore della felicità terrestre.

Noi le Contraente Potenze, procedendo colla piu grande reciprocità di sentimento per stabilire una sicura e permanente Pace, tra Sua Altezza Il Bascia di Tripoli, e Sua Altezza Imperiale e Reale il Gran Duca di Toscana, per l'ultima prosperità delli rispettivi Dominj, per la corteze e mediata influenza di Sua Altezza Reale Il Principe Reggente d'Inghilterra.

Primieramente. Che debba es-

induced to make a spontaneous and voluntary offer, in manifestation of our sentiments, by means of 2 respective Documents, dated the 6th of July, and 28th of November, 1818.

And whereas the chief object and contents thereof have been approved by His Royal Highness, who has been pleased to become a Mediator for the restoration of peace and harmony between His Imperial and Royal Highness The Grand Duke of Tuscany and us His Highness The Bashaw of Tripoli; and the said most Illustrious Hammer Warrington having been invested with the aforesaid authority, We recognize him as such, for the arrangement and final determination of the present Treaty of Peace, and the conclusion of it between our respective Dominions, Subjects, &c.

Given under our Seal, in the Court of Tripoli, this 24th day of December, 1818. (L. S.)

In the name of the Omnipotent God, the only Sovereign Dispenser of earthly felicity.

We, the Contracting Powers, proceeding with the greatest reciprocity of sentiment to establish a secure and permanent Peace between His Highness the Bashaw of Tripoli and His Imperial and Royal Highness the Grand Duke of Tuscany, with a view to the prosperity of their respective Dominions, through the courteous and mediating influence of His Royal Highness the Prince Regent of England, do agree;

First. That there shall be a

essere una perfetta Pace ed Amicizia da qui innanzi, e per sempre, tra li Suddetti di Sua Altezza Imperiale e Reale il Gran Duca di Toscana ed il Bascia di Tripoli, e che la Bandiera, Suddetti, Coste, Bastimenti e Proprietà delli Stati Toscani, debba essere trattati e considerati da Sua Altezza il Bascia nello stesso modo come quelli dell'altre Potenze Amiche, e *vice versâ*.

Secondariamente. Che subito che sarà possibile dopo la confermazione di quest'Accordato, vi dovrà essere una Convenzione perfetta tra Sua Altezza e gli Stati Toscani per aggiustare il necessario Arrangiamento Mercantile sopra un piede di scambievoli e perfetta reciprocità, in ordine per mantenere ed incoraggiare l'amichevoli arrangiamenti ora felicemente esistenti tra li Governi di Sua Altezza Il Bascia, e Sua Altezza Imperiale e Reale Il Gran Duca di Toscana; riservando nulladimeno ad ambi a soggettare la Commercial Correspondenza per esser stabilita tra loro, a tali regole di Sanità, come sono generalmente riconosciuti e perfettamente stabiliti per tutto il Mediterraneo.

Signato, Sigillato, e deliberato, quest' Oggi, li 24 Dicembre, 1818.

(L. S.)

perfect peace and friendship, from henceforward and for ever, between the Subjects of His Imperial and Royal Highness the Grand Duke of Tuscany and the Bashaw of Tripoli, and that the Flags, Subjects, Coasts, Ships, and Property of the Tuscan States, shall be treated and regarded by His Highness the Bashaw in the same manner as those of other friendly Powers, and *vice versâ*.

Secondly. That, as soon as may be possible after the ratification of this Treaty, there shall be a perfect Convention entered into between His Highness and the Tuscan States, to regulate the necessary Mercantile Arrangement, on a footing of mutual and entire reciprocity, in order to maintain and encourage the friendly relations now happily subsisting between the Governments of His Highness the Bashaw and His Imperial and Royal Highness the Grand Duke of Tuscany; reserving, nevertheless, to both, the privilege of subjecting the Commercial Intercourse to be established between them, to such Sanitary Regulations as are generally acknowledged, and completely established, throughout the Mediterranean.

Signed, Sealed, and delivered, the 24th of December, 1818.

(L. S.)

HANMER WARRINGTON,
Agent for the Mediating Power.

TREATY of Peace and Friendship between Rome and Tripoli.—Signed at Tripoli, the 24th December, 1818.

(Translation.)

In Nome dell' Omnipotente Iddio, chi è il solo Sovrano Dispensatore della felicità terrestre.

Noi le Contraente Potenze, procedendo colla piu grande reciprocità di sentimento per stabilire una sicura e permanente Pace, tra Sua Altezza Il Bascia di Tripoli e Sua Santità Il Papa, per l'ultima prosperità delli rispettivi Dominj, per la corteze e mediata influenza di Sua Altezza Reale Il Principe Reggente d'Inghilterra.

Primieramente. — Che debba essere una perfetta Pace ed Amicizia da qui innanzi, e per sempre, tra li Suddetti di Sua Santità Il Papa, ed Il Bascia di Tripoli, e che le Bandiere, Suddetti, Coste, Bastimenti, e Proprietà delli Stati Papali, debba essere trattati e considerati da Sua Altezza Il Bascia nello stesso modo come quelli dell' altre Potenze Amiche, e *vice versâ*.

Secondariamente. — Che subito che sarà possibile dopo la confermazione di quest' Accordato, vi dovrà essere una Convenzione perfetta tra Sua Altezza e gli Stati Romani, per aggiustare il necessario Arrangiamento Mercantile sopra un piede di scambievole e perfetta reciprocità, in ordine per mantenere ed incoraggiare l'amichevoli Arrangiamenti ora felicemente esistenti tra li Governi di Sua Altezza Il Bascia

In the name of Almighty God, the only Sovereign Dispenser of earthly happiness.

WE, the Contracting Powers, namely, His Highness the Bashaw of Tripoli, and His Holiness the Pope, being actuated by an equal desire of establishing, through the courteous mediation and good offices of His Royal Highness the Prince Regent, a secure and permanent Peace between each other, with a view to the eventual prosperity of our respective Dominions, agree as follows:

First. — There shall, henceforward and for evermore, be perfect Peace and Friendship between the Subjects of the Bashaw of Tripoli and His Holiness the Pope; and the Flags, Subjects, Coasts, Vessels, and Property, of the Papal States, shall be considered and treated by His Highness the Bashaw in the same manner as those of other Friendly Powers, and *vice versâ*.

Secondly. — As soon as it may be practicable after the ratification of the present Agreement, there shall be concluded a regular Convention between His Highness and the Roman States, for the purpose of adjusting, on principles of mutual and perfect reciprocity, a Commercial arrangement tending to uphold and promote the friendly relations now happily subsisting between the Governments of His Highness the Bashaw and

e Sua Santità Il Papa; riservando nulladimeno ad ambi a soggettare la Commercial Corrispondenza per esser stabilita tra loro a tali regole di Sanità, come sono generalmente riconosciuti, e perfettamente stabiliti per tutto il Mediterraneo.

Signato, Sigellato, e deliberato, quest' Oggi, li 24 Dicembre, 1818.

(L. S.)

His Holiness the Pope; both Parties reserving to themselves, however, the right of subjecting the Commercial Intercourse to be opened between them to such Regulations respecting the preservation of health as are generally recognized, and acted upon, throughout the Mediterranean.

Signed, Sealed, and delivered, the 24th of December, 1818.

(L.S.)

HANMER WARRINGTON,
Agent for the Mediating Power.

NOTIFICATION of the British Government, relative to illegal Preparations in British Ports, for sending out Officers and Men, for the Service of the Insurgent Troops in the Spanish-American Provinces.--9th July, 1818.

Treasury Chambers, 9th July, 1818.

GENTLEMEN,

THE Lords Commissioners of His Majesty's Treasury having received a Communication from the Secretary of State for the Foreign Department, upon the subject of the Preparations making at the different Out-Ports, and at the Port of London, for sending out Officers and Men for the Service of the Insurgent Troops in the Spanish-American Provinces; their Lordships desire you will direct your Officers employed at the different Ports, to take measures to make known to such Persons as have been engaged in this Service, by any Spanish American Agents, or others, that they are thereby rendering themselves obnoxious to the Laws, as warned by His Royal Highness's Proclamation of the 27th November, 1817; also that you will adopt such other measures as may be best calculated to prevent any interruption of the strict Neutrality declared by The Prince Regent to be the rule of his conduct in the Contest between Spain and her Insurgent Provinces.

I am, &c.

GEORGE HARRISON

The Commissioners of the Customs.

DECLARATION of the Governments of Prussia and Wirtemberg, relative to the reciprocal Abolition of the "Droits de Sortie et de Détraction."—Signée à Stuttgart, le 20 Janvier, 1818.

(Traduction.)

LE Gouvernement de Wurtemberg et le Gouvernement Prussien, étant convenus d'abolir réciproquement le Droit de Détraction et de Sortie, même pour les Provinces Prussiennes qui ne font point partie de la Confédération Germanique, de manière qu'elles jouissent de cette franchise dans leur étendue actuelle et à venir; ces 2 Gouvernements déclarent par les présentes, qu'au lieu de conclure une Convention particulière à cet égard, ils veulent se contenter d'étendre le contenu de la Résolution prise dans la Séance de la Diète du 23 Juin, 1817, concernant le Droit de Libre Sortie entre tous les Etats de la Confédération Germanique, aux Provinces Prussiennes qui n'en font point partie, et de la leur appliquer suivant leur étendue actuelle et à venir.

La présente Déclaration, expédiée en double, au nom de Sa Majesté le Roi de Wurtemberg et de Sa Majesté le Roi de Prusse, aura force de Loi, et sera publiée dans les 2 Royaumes, aussitôt après l'échange des Ratifications des 2 parts.

Donné à Stuttgart, le 20 Janvier, 1818.

L'échange des Ratifications ayant déjà eu lieu, la Déclaration ci-dessus est portée à la connaissance du Public, et il est enjoint à toutes les Autorités et à tous les Fonctionnaires du Gouvernement, de se régler sur cet Acte en toute occurrence.

Le Ministre de l'Intérieur,

Stuttgart, le 24 Janvier, 1818.

D'OTTO.

CONVENTION between Tuscany and Modena, relative to the arrest and reciprocal delivering up of Criminals and Deserters.—Florence, 20th June, 1818. (Translation.)

NOTIFICATION.

THE Imperial and Royal *Consulta*, in execution of the Orders contained in the Communication of the Imperial and Royal Department for Foreign Affairs, dated the 7th of July, makes known to the Public the following Convention, entered into on the 20th day of June last, between the Courts of Tuscany and Modena, respecting the arrest and reciprocal delivery of Criminals and Deserters,—as well as the subjoined Ratifications of the said Convention, and the *Procès Verbal* of the due exchange of the same.

CONVENTION between His Imperial and Royal Highness Ferdinand III, Archduke of Austria, Grand Duke of Tuscany, &c. &c. &c. and His Royal Highness Francis IV. Archduke of Austria, Duke of Modena, Reggio, &c. &c. &c. for the arrest and reciprocal delivering up of Criminals and Deserters.

His Imperial and Royal Highness Ferdinand III. Archduke of Austria, Grand Duke of Tuscany, &c. &c. &c. and His Royal Highness Francis IV. Archduke of Austria, Duke of Modena, &c. &c. &c. being convinced that the greater frequency of Offences and Desertions is occasioned by the impunity resulting from the facility possessed by Offenders in one State, of taking refuge in a neighbouring one, and being desirous of adopting such measures as are called for under circumstances so seriously affecting the public tranquillity, and the reciprocal advantage of the 2 States, have determined to conclude a Convention for the arrest in their respective Dominions, and the reciprocal delivery of Offenders and Deserters, in the manner, and in the cases, which shall be mutually agreed upon.

For this purpose, they have respectively nominated their Ministers Plenipotentiary, that is to say, His Imperial and Royal Highness the Grand Duke of Tuscany, &c. &c. &c. His Excellency the Councillor Vittorio Fossombroni, Knight Grand Cross of the Order of Merit of St. Joseph, and of that of Saints Maurice and Lazarus, Knight of the distinguished Order of St. Stephen, the Pope and Martyr, Officer of the Legion of Honour, Secretary of State, Minister for Foreign Affairs, and Director of the Imperial and Royal Departments; and His Royal Highness the Duke of Modena, Reggio, &c. &c. &c. His Excellency the Count Appony, Knight Grand Cross of the Order of Merit of St. Joseph, and of the Holy Angelic Constantinian Order of St. George, Commander of the Imperial Order of Leopold, Chamberlain of the Empire, Envoy Extraordinary and Minister Plenipotentiary of His Imperial and Royal Apostolic Majesty at the Imperial and Royal Court of Tuscany.

Who, after having submitted to each other their respective Full Powers, and found them in due form, have agreed and do agree upon the following Articles :

ART. I. Persons accused of the crimes of High Treason, of resistance against the public Authority, and of public outrage ;

Of Offences, accompanied by violence, against the Supreme Magistrates or the Judges of the State ;

Of forging public Documents ;

Of falsification of Money ;

Of fraudulent administration of Money, belonging either to the Sovereign, the Nation, or to Public Establishments ;

Of Incendiarism :

Of Homicides of every kind, excepting those which are involuntary, or purely in self-defence ;

Of Wounding with intent to maim or kill ;
Of Abduction ;
Of Rape ;
Of Highway Robbery ;
Of Theft, including that of Cattle, when the value of the beast amounts to the sum of 180 Italian Lire ;
Of Fraudulent Bankruptcy ;
Of Defamation, in falsely charging any one with either of the above crimes ;

Shall neither be suffered to remain, nor find an asylum, in any part of the 2 aforesaid Dominions, but shall be arrested and delivered over to either of the 2 Governments which shall require the same, and within whose Territory the crime shall have been committed.

II. Persons convicted of any one of the crimes mentioned in Article I. shall also be arrested and delivered up in like manner.

III. Excepting always the case, in which the Accused or Convicted may be a Subject, either by birth, or by acquired domicile, of the Sovereign into whose Territory he has fled, conformably to the Laws in force in the said State.

IV. If the Government applied to by virtue of the preceding Article, be not bound to deliver up the Delinquent, he must be proceeded against and convicted either according to the laws of his own Country, or, in default thereof, according to general Law. For this object, the Judge within whose jurisdiction the crime shall have been committed, shall transmit to the Judicial Authorities of the place where the Accused is detained, all the necessary Documents, in order to the due institution of his trial, conformably to the Regulations there in force. The sentence shall be made known by one Government to the other, by means of a simple notification.

V. When the party arrested is a Subject of one of the 2 Sovereigns by birth, and of the other by domicile, he must be consigned to a Prison of the State, in which the crime has been committed.

VI. As it may sometimes happen, that a Criminal or Malefactor may escape from one State, and enter into the military service of the other, it is agreed, that, in such case, the Individual shall be delivered up to the Government requiring the same; and that the said Government shall, on its part, reimburse the amount of the Enlistment Money, which may have been paid to the Individual.

VII. In the case of one of the 2 States requiring from the other the delivering up of Persons guilty of crimes committed out of the 2 aforesaid States, and on account of which proceedings may be instituted in the State so requiring, the 2 Governments reserve to themselves the power of acceding or not to such requisition, due consideration being had to the Treaties existing with the other States, and to the nature and circumstances of the crime.

VIII. When the Delinquents shall have committed one or more crimes in the State required to deliver them up, the Government of the said State shall have the power to inflict upon them the merited punishment, before giving them up to the State demanding them; or to deliver up the Accused, together with the documents relating to the said crimes, in order that those documents may serve as a guide to the Tribunals of the requiring State, in apportioning the due increase of punishment to the Accused.

IX. If, before the delivering up of the Delinquent, proceedings should have been commenced, or measures taken for preparing the Act of Accusation, by the Authority of the State in which the arrest shall have taken place, all the documents shall be transmitted to the requiring Government, which shall have to defray only the expense of preparing the said documents. With the proceedings and other papers shall also be transmitted the arms, money, and whatever may be useful at the said trial.

X. Property, whether stolen or not, which, in the course of the proceedings, shall be discovered to belong to a third person, shall, after being produced to serve the ends of justice, be restored to its lawful owner, free of expense; provided that the said owner, after establishing his claim by legal proof before the competent Judge of the place where he resides, shall have obtained from the latter a Decree in his favour to that effect.

The personal property of Malefactors, or such as shall be found upon them, shall be disposed of according to the Laws of the Country in which the execution of the convicted party shall have taken place.

XI. The delivering up of the Accused or Convicted shall take place at the confines or boundaries of the 2 States, and shall always be made the object of a direct and formal demand from one to the other Government; which demand shall be accompanied by the transmission of the sentence, by means of a simple notification in case of convicted Persons, and with a designation of the species of crimes, so far as regards those who are only accused.

XII. For the duly effecting an arrest, the competent Judicial Authorities, and also the Agents of Police belonging to the 2 States, may take such measures in concert as they may consider necessary, with the obligation, however, of giving immediate information of it to their respective Government, in order that the said Government may require or grant, as the case may be, the delivery of the Individual arrested.

XIII. The Government, which, agreeably to the present Convention, shall be lawfully required to deliver up any accused or condemned Person, shall not have the power of pardoning the said Person, or of granting him a Certificate of personal security or impunity, except such Certificates as are given for the better discovery and proving of other crimes, according to the regulations and practice observed in criminal matters: which Certificates, however, as well as such as may have

been, on any other occasion, granted to the said Delinquents, shall be withdrawn and declared void and of no effect, when regularly required by the other Government.

Should the delivery not take place, on account of the Delinquent coming under either of the cases contemplated in Article III. no pardon or Certificate of impunity can be granted, unless with the knowledge and consent of the other Government.

XIV. For the purpose of securing the speedy execution of penal justice, it is hereby agreed, that whenever it shall be requisite to call as witnesses, in any criminal matter before the Tribunals of one State, Persons residing in the other State, a requisition for their being summoned may be issued, and the Government to whom such requisition is addressed, shall cause them to be summoned, and order them to obey the said summons; with the understanding, however, that the said Witnesses shall be paid their travelling expences, and an indemnity for their loss of time.

XV. In the case, likewise, of any atrocious crime, seriously affecting the public tranquillity, being committed in one of the 2 States, the perpetrators thereof being Subjects of the 2 Governments, the Parties so offending shall be delivered up to the Judge presiding in the Town or City where the crime shall have been committed, for the purpose of being confronted with their Accomplices, and also for the examinations necessary for the complete proof of their guilt, according to the arrangements which may be made for that purpose between the respective Judges of both States;—and after such examinations, the Accused shall be delivered up, in order to be tried in the State where the crime has been committed.

XVI. Persons who shall unlawfully harbour or conceal the accused or condemned Individuals, included in the present Convention, shall be treated according to the Laws of the Place in which such asylum, aid, or protection, has wilfully been given to the said Accused or Condemned.

XVII. It shall be the duty of the Magistrates of the respective States, and especially of those who are in office near the Frontiers thereof, to take cognizance of and vigilantly watch all idlers, vagabonds, or foreigners, and to adopt, as far as regards them, the necessary measures, so that in all cases the Laws relating thereto shall be duly executed.

XVIII. The Judges and Courts of Justice belonging to both States, within whose jurisdiction shall be found the Accused and Condemned, who are the object of the present Convention, shall also exercise all possible diligence, and mutually concert measures, as well for the arrest and reciprocal delivering up of such Delinquents, immediately upon their Government being required so to do, as for the examination of the witnesses, obtaining the proofs and instituting the enquiries, which may be necessary for the

due administration of penal justice, and for the complete and speedy termination of the criminal cases pending before the aforesaid Judges and Courts of Justice.

XIX. The delivering up of accused and condemned Persons, as agreed upon in the preceding Articles, is also extended to all Soldiers, whether of Infantry, Cavalry, Artillery, Waggon Train, or of any other description of Force, either of land or sea, belonging to or in the service of His Imperial and Royal Highness The Grand Duke of Tuscany, and also to every Individual belonging to the Troops of the House of Este, who, deserting from the service of the State to which they belong, take refuge in the State of the other Party. They shall be immediately arrested, without any special requisition, and shall be delivered up with their arms, horses, equipments, and every thing which they may have taken with them at the time of desertion.

XX. The arrest and delivery shall take place, although the Deserter shall have been already enrolled among the Troops of the other State. But should the Deserter be the Subject of the Prince, in whose State he has taken refuge, his Person shall not then be delivered up, but only the arms, horse, and effects, which he may have taken with him. Should the Deserter who is arrested belong to the Troops of another Sovereign, with whom there is also a similar Convention, he must then be delivered up to the State from which he last deserted.

XXI. The lives, however, of these Deserters, so delivered up, shall be spared, provided always, that they have not been condemned to death for other crimes.

XXII. Should the Deserter have been a principal or an accomplice in a crime liable to the punishment of death, or perpetual hard labour, in the Country in which he has taken refuge, his Person shall not be delivered up, but only the arms, and other objects before-mentioned, shall be restored. Should he, however, have been, in the same State, guilty either as a principal or an accomplice of crimes visited by a less punishment than the aforesaid, the stipulations of Article VIII. shall be observed.

XXIII. All the Authorities, both Civil and Military, of the 2 States, shall be required to employ, without being especially desired so to do, their utmost diligence for the discovery and arrest of Deserters from the other State, who may arrive within their jurisdiction.

XXIV. Every Subject of one Government, who shall induce, by any means, or in any way whatsoever, a Soldier belonging to the other, to desert, shall be subjected to the same punishment as he would have been, by the application of the Laws of his own Country, for having seduced a Soldier belonging to any body of Troops in its service. The same shall be observed with respect to those who knowingly harbour or conceal a Deserter.

XXV. The respective Subjects of the 2 States are forbidden to

purchase from the Deserters from the Forces of either Government, arms, horses, or any other part of their equipments.

These effects, wherever found, shall be always considered as stolen, and shall be restored to the Body to which the Deserter belonged.

The Transgressors of this Article shall be liable to the same punishment as would have been inflicted upon them by their own Government, if they had bought the said articles of a Deserter from their own Forces; provided always, that, from the description of the said effects, stolen or otherwise, it be clear that they ought to have known how the parties came into possession of them.

XXVI. Persons who shall arrest or give information of a Deserter shall receive a reward of 20 Italian lire for a Foot Soldier, and of 30 lire for a Cavalry Soldier with his horse. The above reward, however, for the information, shall only be given in the event of the actual arrest of the Deserter.

XXVII. Upon the arrest of a Deserter, information thereof shall be given, both to the Government in whose dominions the arrest has been made, and to the Military Officer, or, in default of him, to the nearest Judge, in the other State, setting forth the Corps to which the Deserter belonged upon the day of his arrest, and the effects found upon him, or in his possession, and calling upon the said Military Officer or the said Judge, to take the necessary measures for receiving the Deserter at the Frontiers; it being understood, that, from the usual examinations, such Deserter does not prove to be a Subject of the Sovereign, in whose Territory he is discovered. Should the delivering up of the said Deserter take place, a proper receipt shall be given.

XXVIII. The expenses incurred for the maintenance of Criminals, from the time of their arrest to that of their being delivered up, as well as for that of Deserters and their horses, shall be at the charge of the requiring Government, and they shall be regulated upon the same footing as that existing for Criminals and Deserters in the other State; excepting such greater expences as the rank and circumstances of the Individuals arrested, or other reasons may require, which, as well as the expences for copies of the Proceedings, and rewards for apprehension as stated in Article XXVI, shall be settled every 6 months, conformably to the Regulations upon this subject, to be agreed upon between the 2 Governments.

XXIX. The Public Officers employed in the pursuit of a Criminal or Deserter, must stop at the Frontiers, and are not allowed to send, within the limits of the neighbouring State, more than 1 or 2 Persons at most, furnished with the requisite Warrant, to the nearest Town, for the purpose of requiring the Civil and Military Authorities of the place, and whose duty it is so to do, to take every means to discover the Criminal or Deserter so pursued, and to cause him to be immediately arrested.

The Individual arrested shall be consigned to one of the Prisons of a Tribunal of the State, in the Place where the arrest shall have been made, in order to allow time for the arrangements which must necessarily precede the delivering up of the Individual. The said delivery shall always be made upon the frontiers.

XXX. The present Convention shall be published in both States, immediately upon the exchange of the Ratifications, and shall come into operation for crimes perpetrated anterior to it, after the expiration of 15 days, reckoning from that in which the said exchange shall be effected. It shall be in force for 5 years, and may be renewed at the expiration of every 5 years for the same term, unless a declaration be made to the contrary by either of the 2 Governments.

In faith whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Florence, the 20th of June, 1818.

(L. S.) CAVALIER V. FOSSOMBRONI.
(L. S.) CONTE A. APPONY.

We, Ferdinand III. by the Grace of God, Imperial Prince of Austria, Royal Prince of Hungary and of Bohemia, Archduke of Austria, Grand Duke of Tuscany, &c. &c. &c.

Having seen and examined the above Convention, we have approved and hereby do approve of the same in all its parts, declaring our acceptance, ratification, and confirmation of the same, and promising to cause it to be inviolably observed.

In faith whereof, we have issued these presents, signed by us, and sealed with our Grand Ducal Seal.

Given at Florence, this 30th day of June, 1818.

FOSSOMBRONI. (L.S.) FERDINANDO.

We, Francis IV. by the Grace of God, Duke of Modena, Reggio, Mirandola, &c. &c. &c. Archduke of Austria, Royal Prince of Hungary and of Bohemia,

Having approved of the above Convention in all its contents, we have, as well for us as for our heirs and successors, accepted, approved, ratified, and confirmed, and, by these presents, do accept, approve, ratify, confirm, and promise, upon the word of a Prince, inviolably to observe the same, and cause it to be observed.

In faith of which, we have signed these presents with our Hand, sealed with our Great Seal, and countersigned by our Councillor of State, Chamberlain, and Minister for Foreign Affairs, Count Giacomo Munarini.

Given in Modena, from our Royal Palace, this 30th day of June, 1818.

GIACOMO CONTE MUNARINI.

(L.S.) FRANCESCO.

Procès Verbal, relative to the Exchange of the Ratifications.

The Undersigned, having met for the exchange of the Ratifications of the Convention, relative to the reciprocal delivering up of Deserters and Criminals, concluded and signed at Florence, on the 20th June last, between the Plenipotentiaries of His Imperial and Royal Highness The Grand Duke of Tuscany and His Royal Highness the Duke of Modena, have, after the said Ratifications have been duly read, executed the Exchange, in the usual form.

In faith of which, the Undersigned have signed the present Procès Verbal, and have affixed thereto the Seal of their Arms.

Done at Florence, 4th July, 1818.

(L. S.) CAVALIER V. FOSSOMBRONI.

(L.S.) IL CONTE A. APPONY.

SPEECH of the Lord High Commissioner of His Britannic Majesty, Sovereign Protector of the Ionian Islands, on Closing the Legislative Assembly.—Corfu, 15th April, 1818.

(Translation.)

**MOST ILLUSTRIOUS PRESIDENT, AND MOST NOBLE MEMBERS OF THE
LEGISLATIVE ASSEMBLY.**

I CANNOT allow you to return to the Islands, to which you respectively belong, and close the present Session, without assuring you that the proceedings of your distinguished Body have afforded me the greatest satisfaction.

I am aware that, in the eyes of those ardent spectators who have formed exaggerated expectations, your labours will appear to have been exceedingly limited, and, consequently, that the progress of the General Government, under the new order of things, will by them be deemed to have been very inconsiderable.

But I frankly avow that these are not my sentiments on the subject, inasmuch as the principal merit due to the Legislative Body appears to me to have been the great caution with which, during the present Session, it has abstained from entering into premature discussions, or engaging in any measure without well weighing its consequences.

The result of a course of conduct so eminently judicious, under the present circumstances, will be, that we shall not have occasion to repent, or to retrace, any of the steps which we have taken during this Session of Parliament.

A profound consideration of this important point induced me to propose the arrangement which has lately been carried into effect, respecting the Civil List for the present year; and I look upon that
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arrangement not only as wise and prudent in itself, but as calculated to simplify and facilitate the definitive regulation of the Civil List in the ensuing Session of Parliament, and to enable us to proceed upon practical grounds, and upon the only data which, in such cases, can safely be relied upon.

I regret that the new plan for organizing the Courts of Justice has not been carried into execution ; but as this is the most difficult and arduous part of public administration, it must be treated with the requisite degree of caution and circumspection.

This is indeed a subject that demands the maturest consideration ; and I trust that measures will speedily be adopted for perfecting this essential branch of the Public Service, and for placing the Courts of Justice upon a footing far superior to that on which they have hitherto stood.

I have no doubt that the salutary measure of nominating Magistrates of Judicial Police, and the appointment of Municipal Authorities, will give confidence and security to all, and put an end to those arbitrary acts, which, under the denomination of a useful and necessary Police, disgusted the People by their violence, and estranged their affections from the Government of their Country.

The solicitude you have expressed, with regard to the Education of the Youth of these States, is deserving of the highest commendation ; but this is likewise a point which must not be too hastily disposed of, and which requires steady and uniform perseverance, nor will this fail to be devoted to it.

The readiness which you have evinced to provide for the pecuniary exigencies of the present year is highly honorable to you ; and the means by which this object has been accomplished will tend to encourage one of the principal productions of these States :—I allude to the prohibitory Duty on Foreign Wines, which, at the same time that it will progressively stimulate the cultivation of the Vine in these Islands, will not only produce a desirable increase in the Public Revenue, but will also have a favorable effect upon our general prosperity.

I cannot omit to congratulate both myself and you, upon the happy consequences which, through the benign interposition of Divine Providence, have resulted from the circumstance, that the Crops of this year (the first under the New Government), have been more abundant than any which these Islands have for a long time witnessed, and the beneficial effects of which have already been so generally experienced.

I have only to add my most earnest hope, that nothing will occur to darken our present bright prospects before I again have the gratification of seeing you assembled, and that you may all receive in the bosom of your families, that respectful attachment of your Fellow Citizens, which, as Legislators, so deservedly awaits you, as the

reward, both of the real services which you have already rendered to these States, and of those which, I feel convinced, your Country will again receive at your hands in the ensuing Session of Parliament.

SPEECH of the Lord High Commissioner of His Britannic Majesty, Sovereign Protector of the Ionian Islands, on Opening the Legislative Assembly.—Corfu, 4th March, 1819.

MOST NOBLE GENTLEMEN !

(Translation.)

I CANNOT allow you to commence the Second Session of the First Parliament of The United States of the Ionian Islands, or to enter upon the important duties that demand your attention, without submitting to your consideration a few, and only a few, observations on the circumstances which have occurred since the termination of the last Session, as well as on the important points which will form the immediate subject of your deliberations.

We have now had a year's experience of the effect of that Constitutional Charter, by virtue of which you are happily assembled, and I have pleasure in stating that, far from giving us any just and well-founded reason to suppose it inadequate to the objects for which it was framed, this experience justifies me in the conclusion, that that Charter is well adapted to the peculiar situation and circumstances of these Islands ;—that it is not defective in any of its fundamental points ;—and that a firm adherence to its principles will secure the great objects of its institution, namely, the happiness, welfare, and prosperity, of the Ionian People.

During the whole of this year, your internal tranquillity has sustained no interruption ; you have, through the bounty of Providence, enjoyed the advantage of a most abundant season, and have had reason to congratulate yourselves on the auspicious commencement of a commercial intercourse with other Nations, to which must, in a great measure, be ascribed the increased value of the mercantile products of these Islands, and which intercourse it will be one of the main objects of the present Government to promote.

I have no hesitation in declaring, that you have enjoyed a much greater degree of internal tranquillity than has fallen to your share at any former period, and I make this assertion with the greater confidence, because I am fully convinced of its truth, and know that I am addressing Persons, who, if it were unfounded, would be able to refute it.

This tranquillity is founded upon the best and surest bases, namely, upon the confidence reposed by the People in the just and honourable intentions of their new Government, and upon their firm conviction, that the Laws are administered upon the principle best calculated to secure the

real object for which all laws are made,—that is to say, the good of the People.

During the whole of the last year, no measure of rigour or coercion was adopted by the Government; the assistance of the armed force was not once required; and, in fact, no single act was committed against the tranquillity of the Country, which might not have happened under a more ancient, a more wise, and a better regulated Government.

I will fully admit that the advantages of an abundant harvest have, in some measure, contributed to produce this result; but it at the same time gives me the greatest satisfaction to observe, that, whilst the Constitution of the Country seems to acquire strength, (which I trust it will daily continue to do,) those violent passions, by which these Countries have in past times unhappily been agitated, are now greatly moderated, and will, I hope, ere long, altogether subside; for it is unnecessary for me to inform the enlightened Auditors I am addressing, that, where passion is the principle of action, no People can enjoy domestic happiness or public security, and that it is no less true, that the safety and welfare of every Individual in the State are indissolubly connected with the maintenance of the Constitution.

Whilst congratulating you upon these topics, I cannot refrain from observing, that the general position of the affairs of Europe presents the strongest grounds for gratification. The wisdom, moderation, and happy termination, of the Congress of Aix-la-Chapelle, have disappointed the expectations of all the evil disposed in Europe, and not only afford a happy prospect of permanent tranquillity to the World, but are also a pledge of the duration of harmony, and of good correspondence, between all the great Allied Powers.

I regret to say that, amidst these propitious political events and the internal peace and prosperity which have prevailed, a circumstance has occurred which has caused the deepest affliction to every Individual who has the honor to be under the immediate sway of the Sovereign Protector, and in which I have no doubt all those will participate, who have the advantage of being closely and indissolubly united to the British Crown.

I allude to the ever to be lamented death of the Queen Consort of the United Kingdom of Great Britain and Ireland, whom it hath pleased the Almighty to call to himself, after a long and most exemplary life, signalized by the constant and uniform practice of every public and domestic virtue.

Without entering more fully into the general topics to which I have adverted, I shall pass on to those subjects which are far more intimately connected with the objects of your present meeting; because, in the event of your requiring explanations on my part, I shall thereby spare your valuable time and labour, by suggesting to you that course of proceeding which seems to me to be best adapted to your new institutions, and which it will be advisable for you to pursue, during the present Session,—the first real Constitutional Meeting of

Parliament,—as the opening Session was deficient in all the established Constitutional forms, and therefore scarcely deserved that name.

You are aware that, during the last Session, it was impossible to regulate all the necessary internal arrangements which were prescribed to us by the Constitutional Charter.

You also know that, during the prorogation of your Assembly, this duty has devolved upon the Most Illustrious Senate, and you will doubtless find, that, in the execution of the same, it has acted with the greatest attention and judgment.

Measures will be progressively adopted for carrying into effect all the provisions of the Constitutional Charter; and all the Resolutions passed by the Most Illustrious Senate, which are of a legislative nature, have already been placed upon your Table, conformably to the directions of the Constitutional Charter.

The Bills consequent upon those Resolutions are now in course of preparation, and, when completed, will be submitted for your consideration and decision; and I recommend you, in the mean time, for the sake of convenience in your proceedings, to leave the Resolutions themselves upon the Table, and to defer the discussions, as to the propriety or inexpediency of them, until the Bills relating to them shall have been presented to you.

I consider this the best course that can be pursued, as, together with the Bills in question, all those modifications, amendments, and alterations, which experience may have shown to be advisable, will be submitted to you.

In conformity with the provisions of the Constitution, the Secretary of State for the General Department will, 6 days after the opening of the Session, place upon your Table the Civil List as at present settled; and I am of opinion, for the reasons already assigned, that the discussion of this important matter ought to be deferred until the alterations, additions, and corrections, which may be considered necessary, shall be submitted to your Most Noble Assembly.

On the same day, agreeably to the Constitutional Charter, the General Treasurer will lay before you an Account of the Receipts and Expenditures of the year, beginning on the 1st February, 1818, and ending on the 1st February, 1819.

This Document will require numerous explanations.

It would by no means have been difficult merely to have placed the Account of the Year upon your Table; but one point connected with it has occasioned us infinite embarrassment, for, notwithstanding the most indefatigable researches on the part of the Government, assisted by zealous Functionaries, well versed in matters of account, it has been impossible to draw up an exact Statement of the Balance of the Old Accounts in each of the Local Treasuries of the Islands, before the commencement of the year 1818.

But in order to have a correct Statement of the Accounts, from the

period when the present Constitution was first introduced, it would have been necessary to establish the Balance which should serve as the basis on which the proper Officers would thenceforward have to keep the Accounts of the Government. Although it is impossible to arrive at a certainty upon this point, the Balance will nevertheless be subject only to some slight and unimportant variations; and, so far as it can be gathered from the vague manner in which the Public Accounts were kept previously to the above-mentioned period, I believe I have grounds for affirming, with some degree of precision, that the Balance of the Old Accounts of the General Treasury was, on the 1st February, 1818, nearly as follows:

	Dollars.
Debts of the Ionian Government	125,387
Credits of the Ionian Government	249,950
<hr/>	
The Balance, therefore, on the 1st February, amounted to ...	124,563
in favour of the Ionian Government.	

The Debts, as I had the honour to state to you last Session, through the medium of the Most Illustrious Senate, consisted of a consolidated sum of 96,381 dollars due to Great Britain, under the circumstances explained in that statement;—of a Balance due to the Island of Malta on account of Corn, amounting to 24,926 dollars;—of a sum of 8,692 dollars, due, on a separate account, to the Government of Malta, for the expences incurred in sending your Deputies to England,—and of 2 deposits in the Treasury, amounting to 388 dollars. Total 125,387 Dollars.

The Credits were nearly as follows:

Balance of the Old Accounts of the Local Treasuries of	Dollars.
Corfu	98,731
Zante	63,306
Cephalonia	13,553
Santa Maura	21,608
Paxo.....	1,974
<hr/>	
Dollars.....	199,172

To which are to be added, the Balance of the Account Current between the Ionian Treasury and the Treasury of Malta, as it stood on the 1st of February, 1818.....	5,992
And various other items, consisting of sums advanced for the current service of that year.....	44,786
<hr/>	
Total, Dollars.....	249,950
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I regret, however, to have to state, that, although there is, as is above shewn, a Balance of 124,563 dollars, in favour of the Ionian Government, that Balance is, nevertheless, subject to considerable deductions; inasmuch as the Debts of the Ionian Government will have to be discharged, whilst most of the important items on the credit

side of the Accounts, which consist of Balances due to the Local Treasuries of the various Islands, will, I fear, never be entirely realized; because they include all the Sums due to their Governments, some of which will not be received.

Such was, approximatively, the state of your affairs at the beginning of the Financial Year of the Constitution of 1817.

The Balance stated will, probably, in consequence of the irregularities which have occurred, be yet subject to an inconsiderable increase or diminution, both on the credit and debtor sides of the Account.

I propose to you, however, as an essential preliminary step, that you pass a Resolution, declaring the Balance to be as expressed above, —a Balance by which the Accounts of these States must henceforward be regulated; reserving to yourselves the liberty of hereafter inserting, in the credit or debit, any item that may be ascertained.

It may be proper to mention, that the Receipts and Disbursements, which are designated by the words "French Effects," are not included in this Balance; that Account has been kept separately, and the Balance in cash is now deposited in the General Treasury, where I think it will be advisable to leave it, until some definitive arrangement shall have been made upon the subject.

There is another item, which is not included in this Balance, consisting of money recovered, on account of certain Bills of Exchange on Paris, amounting to the sum of 20,359 dollars, now in the French Funds, which it is the intention of the Executive Government to convert into cash, and to place to the credit of the Ionian Government, in the Accounts current of the Treasury.

This, so far as it can be ascertained, was the state and situation of the Old Account, at the period when the new Constitution came into activity.

There is, however, an interesting item to be added, in favour of the Ionian Government; viz., the Balances of money in hand in the General Treasury, and in the Treasuries of the various Islands, on the 1st of February, 1818, amounting to 157,552 dollars, which Balances will be more fully detailed in a Document, which I have instructed the General Treasurer to place upon your Table.

If, therefore, you concur with me, as to the expediency of passing a Resolution, to the effect that the General Balance of the Old Account, at the commencement of the Constitution of 1817, amounted to the sum of 124,568 dollars, I shall also propose to you to declare, by another Resolution of your Most Noble Assembly, that the sum of 157,552 dollars was the Balance of money in hand in the Treasury at the same period.

It is from this last fact that you must draw your conclusions, as to the actual state of your resources; and, from the difference in the amount of Cash now in hand, you will at once perceive the improvement which has taken place in your Finances during the last year.

I feel great satisfaction in announcing to you, without entering into a detailed statement of the Receipts and Disbursements of the year, that, whilst at its commencement you had 157,552 dollars in your Treasury, you will find that, on the 1st of last month, when the Financial year was scarcely closed, you had, according to the Accounts placed upon your Table, the sum of 395,004 dollars, which presents an effective increase of 237,452 dollars, in ready money.

You are aware, that the organization of the New Government was attended with a great increase in the Expenditure of the last year.

This increase must be ascribed to two causes; first, to the expences necessarily incident to the due formation of a permanent Government, an advantage which you have never before possessed; and, secondly, to the expediency, or I should rather say, the positive necessity, of adapting, in a certain degree, so far as our limited resources would permit, the Salaries of the Public Functionaries to the importance of the duties respectively confided to their charge.

You are also acquainted, Most Noble Gentlemen, with the augmentations which have been made to the Public burthens in the course of last year; a portion whereof was imposed during the prorogation of Parliament, and to which I shall have occasion to advert.

In stating to you the increase of ready money, during the Year that has expired, I must request you to consider, that, notwithstanding this increase appears to amount in Cash to the sum I have specified, it is necessary to deduct from this amount about 50,000 dollars, consisting of sums recovered and carried to the General Balance of your Old Accounts at the beginning of the year, thus making the actual increase in your Revenue amount to the net sum of about 180,000 dollars; and it is for you to consider how far this increase accords with the pecuniary circumstances, general situation, and existing prospects, of the Ionian People, whose interests you are appointed to watch over and to protect.

If it could really be demonstrated, that, whilst an increase of Revenue flowed into the Treasury of the United States of the Ionian Islands, the welfare and happiness of the People at the same time declined; and that, in proportion as the State improved its Finances, the condition of the great mass of Society became worse; I should be the last Person to think that such a state of things presented an encouraging prospect of the situation of the People: because it is my firm opinion that no Community can enjoy real welfare and happiness, in which the members of the Body politic do not fully participate.

I think I am not mistaken (and if I am, I trust you will undeceive me,) when I venture to assert, that, if the Finances of these States have improved, every class of Society in the Islands has participated in the benefits resulting from that improvement. I therefore feel justified in sincerely congratulating both you and myself on the

encouraging nature of your auspicious prospects; and I trust that, by a firm adherence to the maxims which have hitherto guided the present Government, both your public and private resources will gradually develop themselves and increase.

In stating to you, generally, the increase of Money in the Treasury at 237,452 dollars, on the first of last month, you will find, according to the Accounts of the General Treasurer, that the increase itself is limited to 147,452 dollars in money, and that the remainder, namely 90,000 dollars, is entered as Cash, represented by Corn.

I have described this remainder to you as money, and, according to every principle of equity, it must be looked upon as equivalent to money, being money placed out at advantageous interest for the account of the Government.

When the Bill upon the subject of Corn shall have been presented to you, you will proceed to devote to it all the attention which its importance demands. But as I know that this measure will be liable to misrepresentation, I will not suffer the opportunity to pass without briefly detailing to you the reasons upon which it has been founded.

Had the measure been framed with the view of increasing the Revenue, or with any speculative object, or had it been the voluntary act of the Government, the Most Illustrious Senate would never have adopted it, nor would I have given my sanction to it.

A clear proof of the last assertion is to be found in the fact, that one of my first measures, after my arrival here, was to give entire freedom to the Corn Trade, although at a loss to the Government of the Country; for I am persuaded that liberty of Commerce is calculated to promote the prosperity of the Government; and the most obvious calculations shew, that the stimulus which such a measure is, in every respect, calculated to give to industry and commerce, will amply compensate for any temporary loss we may experience.

I think that, in whatever point of view the question may be considered, it must be admitted that this might have been expected to be its natural result; but, unhappily, occurrences imperatively demanded that the Government should take the measure it has adopted, and compelled those to whom the safety of the Country was confided, to disregard all eventual and contingent advantages and general principles, and to confine their attention to the immediate necessity of providing for the subsistence of the Population.

I regret to say, that no sooner had the Government opened the trade, than a monopoly was attempted, of a far more mischievous character, and much more calculated to undermine the public prosperity, than any monopoly which could have been maintained by the Government, and that no sooner (and I am borne out by indisputable facts in what I assert,) had Divine Providence bestowed upon the neighbouring Countries a more abundant harvest than had been known for many years, and the Channel of Corfu was covered with

Vessels, in search of a market for the Corn with which they were freighted, than the very Persons who now insist upon freedom of trade,—and who at that time had freedom of trade,—left their Country, without so much Corn in it as would have sufficed for one day's consumption of the Capital of these States; and although it by no means surprizes me (for I am sorry to say it is precisely what might have been expected), the very same Persons, who, in order to make exorbitant profits, would have suffered their Countrymen to perish from famine, now complain of the manner in which the Government then interfered with the free trade, and ascribe to it the ruin of the Commerce of these Islands; whilst all that has been done, and all that will be done, in my opinion, may be reduced to this incontrovertible and universally acknowledged truth, that the first duty of a Government is to guard against a dearth of the articles of first necessity, which are indispensably necessary to the existence of the Population.

Such has been the line of conduct which has been pursued by the Government in this matter, and which I have no doubt will be approved by you upon the present occasion.

The Accounts will be submitted to your consideration, duly prepared and examined; and from the clearness and precision of these Documents, you will be enabled to form an opinion of the real state of the transaction.

From these it results that, in the course of the first 3 months, there was a net profit in favour of the Government of 5,173 dollars, which has been duly carried to the Public Account; but you must bear in mind that the prices of corn are continually fluctuating, and, therefore, that this profit must by no means be regarded as a sure and certain advantage to the Government. Different circumstances may, in the course of a few months, produce a loss of equal amount: and all that the Government can engage to do, or that the Population can reasonably expect, is, that their necessities should be supplied at prices as moderate as the state of the market will allow. I have thought proper to make this last observation, as I know that an opinion prevails, that the price of corn at the present moment is higher than it ought to be,—an opinion propagated and encouraged by those whose sole object has been to create a monopoly for themselves, and reap their own advantage at the expence of their Fellow-Countrymen.

The question is now left to your consideration, and it remains for you to decide, whether or not the measure referred to was dictated by necessity; whether it has been conducted with candour and prudence; and whether it has been submitted to you in an ample, open, and detailed manner.

I shall consider myself exceedingly fortunate if circumstances should enable me to re-open this important branch of your Trade; but before this can be effected, I must be convinced that there are Persons in these States, who, in undertaking it, would be guided by the true

spirit of commerce, and not by that of the most disgraceful monopoly : I must be convinced that it would be conducted by real Merchants, and not by unprincipled Speculators, who create a dearth in the necessities of life ; and I must lastly be convinced, that a total change has taken place in the sentiments and opinions of those who have proved, by their conduct, that they were altogether ignorant of the spirit and principles of free trade, and who seemed to think that it consisted in their exclusive right to exercise a most oppressive tyranny over their Fellow-Countrymen, by increasing, under the pretext of a fictitious scarcity, the price of the primary articles of subsistence.

Until I am satisfied with regard to these important points, I shall continue to think that the measure adopted by the Most Illustrious Senate, had its origin in peremptory necessity, that it has been salutary in its effects, and that it ought to be supported by every one who has the welfare of his Country at heart.

Before I conclude these important Financial matters, which are so intimately connected with your immediate prosperity, permit me, Most Noble Gentlemen, to suggest to you the expediency of appointing a Committee to examine all the subjects I have adverted to, and to make their Report upon them to the Most Noble Assembly.

I am sure that it is not necessary for me to suggest to you the further propriety of selecting for this Committee, those Members of your distinguished Body who are fully conversant with Accounts.

Having now gone over your Financial Affairs, as briefly as possible, I will not anticipate, except in two or three particulars, the Discussions that may take place with regard to the Bills which will be presented to the Most Noble Assembly, in pursuance of the various legislative Resolutions of the Most Illustrious Senate, which have been placed upon your Table.

It appears to me that there are several topics connected with these important Resolutions, respecting which it will not be ill-timed to make a few observations in the present stage of the proceedings.

Amongst the Bills which will be presented to you, one of them will be based upon a Resolution of the Most Illustrious Senate of the 17th of September last, by which an additional Duty was imposed upon the exportation of dried Currants, &c.

I cannot entertain the slightest doubt, that the Most Illustrious Senate, in passing such a Resolution, and the distinguished Person charged with the performance of my functions, during my temporary absence, in approving it, were influenced by the purest desire of promoting the interests of the Country, and that they were guided by a perfect acquaintance with the circumstances of the case.

Indeed, the manner in which the measure has operated fully demonstrates the sound judgment of the Persons who dictated it, the exactness of their information, and the just anxiety they felt to promote the interests of these States.

I will, nevertheless, frankly confess to you, that, although I am fully agreed with them as to the propriety of the measure, and the principles which led to its adoption, I am exceedingly averse to the imposition of any new general Tax upon the Population of these States, during the prorogation of Parliament; as it appears to me to be the peculiar Constitutional Privilege of this Most Noble Assembly, to have all measures of this nature submitted to it in the first instance,—in order that their merits may be fully examined and discussed, that every information may be obtained by the united wisdom of Parliament, and that the Representatives of the People may have full opportunity to express the sentiments of those who sent them to this Assembly.

Occasions may possibly arise in which the obvious advantage of the Public might, without being essentially detrimental to the interests of Individuals, again render such measures expedient and necessary; but I am fully convinced that this mode of taxation is essentially opposed to one of your first Constitutional Privileges, and I recommend you to watch all such measures, with a cautious if not with a suspicious or a jealous eye.

One of the most important Bills that will have to be submitted to you, relates to the new Code of Procedure for the Courts of Justice in these States.

The regulations originally embodied in this Procedure were not proposed, under an impression that the system was perfect in itself, and would not require much alteration. The real object contemplated in framing it, independently of the benefits which were expected to result from its adoption, was, that the experience of its operation might enable us to correct its defects; but the fallacious idea was not entertained that a Document of such importance, and embracing interests of so diversified and complicated a nature, would at once be found to be perfect.

We are about to reap the benefits of this experience: the whole Procedure is now undergoing a revision, and in the Bill that will be presented to you, you will find various alterations and amendments introduced, in consequence of the knowledge we have acquired of its practical effects, and the opinions which have been generally expressed upon it.

I shall ever be disposed to respect such opinions, and although I cannot promise, upon slight grounds, to relinquish an opinion I have formed when I am once convinced of its correctness, nevertheless every demonstration of public feeling will induce me to re-consider a measure, and to make such alterations in it as may appear to be dictated by a sound and impartial view of the question.

Looking at the Procedure in this point of view, I have no hesitation in saying, that the Article relating to the Privileged Rents (*Rendite Privilegiate*) requires re-consideration.

It appears to me, that it carries the liberty of action on the part of Tenants beyond the bounds of equity.

In my opinion, it greatly encroaches upon the indisputable rights of Proprietors of Land, and requires revision as regards the latitude allowed to Tenants, by means of which they evade and resist the just claims of the Landlords, to a much greater extent than is permitted, I think, in any other Country, and decidedly more so than in the Dominions of the Sovereign Protector, where the independence and security of Property have been more happily combined than in any other Country in the World.

It is therefore my intention to propose an amendment to that part of the present Procedure; and, as some time will necessarily elapse before this Bill can be prepared, I must suggest to you the propriety of directing the greatest attention to the subject, in the interim, in order that it may be maturely and impartially considered.

It may also be advisable to modify the Resolution, concerning the interest payable on money, in certain cases; for, although I am an enemy, and a declared enemy, to that usury which amounts to unjustifiable oppression, still circumstances may arise, (and circumstances that peculiarly regard these Islands,) to anticipate which, it is incumbent upon every man of prudence, not to let his aversion to the general system of usury lead him so far as to deprive the poorer classes of the means of supplying their wants in this respect.

With respect to the other Measures contained in the Legislative Resolutions of the Most Illustrious Senate, which I believe are 26 or 27 in number, Bills relating to each of them will gradually be presented to you; but it may be necessary to observe, that the Most Illustrious Senate may possibly have passed other Resolutions, which, after careful examination, may be ascertained to be of a Legislative nature, and which it may hereafter be requisite to present, in the form of Bills, to this Most Noble Assembly.

If, upon enquiry, it should be found that any such Resolutions have been passed, they shall immediately be submitted to you; it being the uniform desire of the Senate and myself, that all matters which have any reference to Legislation should be duly considered and decided upon by your wisdom and experience.

It only remains for me to announce to you, Most Noble Gentlemen, certain new Measures for which no provision has been made by any Resolution of the Executive Power, but which appear to me to be deserving of your profound attention, and respecting which I shall probably have occasion to address you in the course of the present Session.

I have already explained to you the absolute necessity of encouraging the general Trade of these States with the neighbouring Nations, and I confess that the Measures adopted, and now in force upon this subject, particularly in this Island, are not only extremely prejudicial to your interests, but destroy any hopes of materially extending your

Commerce. I speak of the preference shewn to the Natives of the Island of Corfu, and of the additional duty imposed upon Foreign Articles when imported by the Merchants of Foreign Countries.

The latter Measure is, in my opinion, for many reasons, highly impolitic.

Its tendency is not to increase the Revenue of the Country ; for if these Articles are imported as the property of a Merchant of Corfu, the duty imposed upon them as Foreign Merchandize is thereby evaded, and the additional amount of duty lost.

This Measure, therefore, is not only ineffective as a source of Revenue, but is highly pernicious in its operation, as tending to demoralize the People of these States.

It is most unjust and injurious to Foreign Merchants, for it enables their Agents in this Island to debit them with the additional duty, while the Agents defraud the Government of that duty ; and it is most detrimental to your commerce in general, because, independently of the particular burthens and losses to which Foreigners are subjected, there can be no greater obstacle to the extension of your Trade than that species of partiality which is contained in the present Law.

It is, therefore, my intention to propose the abolition of this system of discriminating Duties, and to suggest, in its stead, a moderate uniform Duty, common to all the Islands, on articles of Foreign manufacture imported into these States ; granting, perhaps, a diminution of such Duty on those articles, when imported in Ionian, British, or Imperial Austrian Vessels.

Connected with this subject is the method hitherto adopted for collecting the Public Revenue, by means of what are termed Oral Declarations (*Abboccamenti*.) It is impossible to imagine a System more pernicious than this ; a System which has, in fact, operated most injuriously to your general interests. Of this you have had ample proof in the Transactions of the late *Abboccatore* of this Island, which presented such a tissue of fraud, deception and flagrant effrontery, in asserting the most false and unfounded pretensions, as I never remember to have before met with in the course of my official experience.

The evils incident to such a practice have had the most injurious effect upon your Revenue, and still more so upon your character ; and allow me to observe, Most Noble Gentlemen, that this last point is one which merits the most serious consideration, on the part of a State which aspires to become commercial.

It is my duty to devise a new and more complete method of collecting the Public Revenue, and, if I may judge from the experience we have had of this method, since my arrival here, I have full confidence that the measure will, on the one hand, greatly augment your Revenue, and, on the other, put an end to all the well-founded complaints which have hitherto been made by Foreign Merchants.

During the present Session, I shall probably submit to you the

plan I propose to adopt, with reference to the new organization of the Militia.

I propose to reduce the numbers of this useful Corps considerably below their present standard; and I shall endeavour to place it upon such a footing, that it shall make up, by increased efficiency, for its reduction in number;—to render it, above all, the Force of the State;—to make its existence and duration dependent upon the State;—to cause it to regard the State as its sole head and real support;—to convince myself, before I appoint the Officers, that the Militia is complete, (an object which we are now endeavouring to effect;—)and finally, I propose that the Officers shall all be chosen from amongst those Persons who possess property in the Districts in which the Troops are stationed, and who have the best title to such a distinction by their attachment to the Government of the Country.

Before I conclude, I must add a few words concerning four points, all of which appear to me to be of paramount importance in the advancement of the prosperity of these States;—viz, Religion,—the Sanatory Regulations,—the Judicial Regulations,—and the Education of Youth.

You cannot be ignorant of the peculiar obstacles which prevent the definitive regulation of your Religious Establishment, and that, in order to adjust certain points connected with it, it will be necessary to apply for Foreign aid, and to have recourse to means which are not at the disposal of the Government of this Country. It cannot, therefore, excite surprize, if considerably less progress has been made in this matter than could have been wished, or than the circumstances of the case would appear to demand.

I am happy to inform you, however, that your Most Illustrious and vigilant Senate has not neglected this important branch of its duty, and that it has judiciously appointed, for each of the Islands, a provisional Head of the Church, until definitive Measures upon the subject shall be adopted.

The preparation of a Code of Sanatory Regulations, adapted to our wants,—efficient and at the same time moderate;—and not applicable, as hitherto, to some particular Island, but to all indiscriminately,—is a most difficult operation, and one which demands the deepest consideration.

The duty of preparing such Regulations, by the terms of the Constitutional Charter, devolves upon me, and I have devoted to it the most anxious and serious attention.

I hope that, in the course of a few days, a regular Code for this most important point will be laid before you. In the mean time, you will perceive that the assiduity of your Most Illustrious Senate has been eminently conspicuous upon this subject, it having made temporary Arrangements, which will be found amongst the Legislative Resolutions placed upon your Table.

With regard to the effect of the Judicial Regulations, I beg you to observe, that effectual security must be afforded to property, by means of a wise, salutary and, above all, a speedy administration of Justice, before a Country (and particularly a Country circumstanced as this is,) can make a rapid progress in the career of prosperity.

That of which you stand much in need, Most Noble Gentlemen, is Capital, and, before you procure that Capital, it is absolutely necessary that the Laws should afford to the Possessors of it perfect security and protection.

I sincerely hope that we have made some progress upon this point,—a point which I shall constantly bear in mind.

The Education of Youth, more than any other object, is essentially connected with the attainment of your National Prosperity; and the measures to be adopted for this purpose must be directed to the Education both of the Youth of these Islands, and of that of the neighbouring Continent.

I shall probably submit to you a Proposition upon this subject during the present Session; and you may rest assured that it is a subject to which I shall have the honour of continuing to devote my attention, and one of which I shall never lose sight.

I have now, Most Noble Gentlemen, touched upon all the points of importance which occur to me at the present moment.

You will perceive, by this general Exposition, that the affairs of your Country are by no means in a discouraging state; but that the vigorous promotion of your prosperity will greatly depend upon a firm adherence, on your part, to the principles by which you have thus far been animated, and to that moderate course of policy which you have hitherto wisely pursued.

This description of your situation is submitted to you in the most candid, frank, and unreserved manner. The more you examine it, the greater will be my satisfaction, and I will venture to add, that of your Most Illustrious and enlightened Senate.

Your Compatriots and your Country justly anticipate, that the Measures you are about to adopt will lead to the realization of our present cheering prospects, and impart the firmest support to a system, which, maintained with firmness, constancy, and moderation, will speedily place you in a far more elevated position than that which you have hitherto occupied,—a position which, from the rare advantages bestowed upon you by Providence, it only requires the exercise of your wisdom, your talents, and your patriotism, speedily to attain.

By Authority.

FRED. HANKEY,

Private Secretary.

SPEECH of the Lord High Commissioner of His Britannic Majesty, Sovereign Protector of the Ionian Islands, on Closing the Legislative Assembly.—Corfu, 31st May, 1819.

(Translation.)

**MOST ILLUSTRIOUS PRESIDENT, AND MOST NOBLE MEMBERS OF
THE LEGISLATIVE ASSEMBLY.**

AT the Constitutional close of the present Session of Parliament, I cannot refrain from expressing to you my entire satisfaction with all the proceedings of the Most Noble Legislative Assembly during its various sittings.

I deeply regret that serious indisposition has prevented me from devoting the necessary attention to the various important matters, which I earnestly desired to submit to the deliberations of the Most Noble Assembly.—I more particularly allude to the organization of the Militia, and to the formation of a regular Code of Sanatory Regulations for these States.

These two objects, agreeably to the terms of the Constitutional Charter, devolve upon the Lord High Commissioner of His Majesty, and, so soon as the measures connected with both are prepared, (which they will be immediately), they shall be submitted to your consideration and approbation in that frank, candid, and unreserved manner, in which, in my opinion, every affair of the Government ought to be communicated to the Representatives of the People.

It is also a subject of regret to me, that circumstances have prevented me from executing my intentions, with regard to the establishment of Normal Schools in these States, and of a College for the Youth of the Ionian Islands, and of the neighbouring Continent.

I have, however, the satisfaction to inform you, Most Noble Gentlemen, that the preliminary measures, connected with the settlement of these two important points, are in active progress;—that all possible attention has been devoted to the choice of Persons, qualified to convey instruction in the most necessary branches of science, and that the site for the erection and establishment of the College has been definitively fixed upon; and that every thing inspires me with the hope that, when next I have the honour to meet you in this place, you will no longer be called upon to decide on the theory of these Establishments, but will have to pronounce how far the practical steps which will have been taken, correspond with the importance of the subject, the state of our Finances, and the condition of the Country.

Although the Most Noble Assembly has not directed its attention
[1817—18.]

to the subjects I have enumerated, its labours have, in other respects, been most useful and important; and, among its various measures, not one of them has been characterized by greater utility and importance than that for equalizing the Import Duties in all the Ionian Islands.

Such a measure will not only afford security to the Commerce of Foreigners, but will more especially tend to keep up a good understanding and a community of interests between all the different Islands of these States.

It was my intention to have proposed a similar measure for the various Export Duties in the several Islands, and I am still of opinion that it is equally just and expedient; but, in reflecting upon the best mode of carrying it into effect, I had to encounter so many difficulties, that I resolved to defer the execution of my intentions until the next Session, with the view of collecting further information, founded upon more certain data.

This subject will be the first that I shall make a point of submitting to your consideration next Year, and I cannot refrain from earnestly recommending you to devote the greatest possible attention, during the Recess, to this most essential point; which, if settled upon a just and equitable basis, must greatly tend to ensure the harmony, advantage, and general prosperity, of all and each of the Islands, but the settlement of which demands the most extensive knowledge and the most minute examination.

At the commencement of the present Session, I had proposed to bring a Bill into Parliament, for imposing an additional Duty of 5 per cent., ad valorem, on dried Currants exported from the other Islands, and a Duty upon all Wine brought into the City of Corfu; in the form in which the measure was provisionally adopted by the Most Illustrious Senate, founded on data, which, at that period, appeared to me to have been attentively considered.

But ascertaining upon further examination, that the duty on Wine, owing to subsequent circumstances, would operate injuriously to the Wine Growers of this Island, and considering that, consistently with justice to the other Islands, the duty on Wine could not be taken off, whilst the concomitant duty on Currants was retained, I have considered it better for the present to abolish both, rather than persist in a measure, which has been found to press heavily upon a portion of the population, although the measure itself was originally just and expedient.

These are the considerations which have prevented me from placing upon your Table a Bill for the above purpose; and, as the Regulation of the Most Illustrious Senate upon the subject is of a legislative nature, and has not been confirmed by you according to the Constitutional

Charter, it will of course expire at the close of the present Session of Parliament.

I had earnestly desired also to introduce a Bill founded on another Resolution of the Most Illustrious Senate, relative to the permission to lend small sums of money at a higher rate of interest than is allowed by the Resolution itself;—a measure peculiarly called for in this Island; whilst the Bill would, at the same time, have confirmed the other provisions of the Resolution.

But the course which, upon reflection, I now propose to pursue in this affair, is to suggest to the Most Illustrious Senate the necessity of renewing, with the least possible delay, the Regulation of last year, with certain modifications proposed by me, and any others that may be considered necessary. In the course of the next Session, we shall have ample opportunities of judging, by experience, of the permanent Law which it will be advisable to adopt upon this important subject.

Acting upon safe and prudent principles, I cannot but entirely approve the Resolution of the Most Noble Assembly, respecting the Codes of procedure in civil and criminal matters, and the Civil List of the present year.

I feel the greatest pleasure in observing that both these interesting points are left in such a stage, as to admit of the adoption of any measure that may be considered salutary; and it will be the duty of Parliament, in the ensuing Session, to take them into immediate consideration, and to consider of the most effectual means of correcting and amending them.

It is true that the Most Illustrious Senate is empowered by the Constitution to introduce such provisions and amendments into the Judicial Procedure as it may consider to be necessary and expedient; but I entertain too high an opinion, and I have had too much experience of its uniform wisdom and prudence, to suppose that that illustrious Body will do otherwise in this affair, than follow the recommendations of this Most Noble Assembly, by requiring from the various Authorities their Reports, on the practical operation and results of the Procedure, in order that Parliament may be enabled next year to form a correct opinion as to its further expediency, unless the most urgent necessity should unexpectedly arise, in the mean time, for the interference of the Most Illustrious Senate.

Before I conclude, I consider it my duty once more to express to you my regret, that the Regulations connected with your Religious Establishment have not yet been completed.

There were circumstances which presented the most serious obstacles to this desirable result, and which rendered it a matter of peculiar difficulty; but happily all these obstacles are now removed, and I have

no longer any doubt of the speedy and satisfactory termination of this affair, in which you are all so deeply interested.

Most Noble Gentlemen, I once more beg to express my sincere thanks for the moderation, prudence, and wisdom, of all your proceedings.

This is a duty the more incumbent upon me on the present occasion, because the confidence which has been reposed in me by this Most Noble Assembly,—possessed as it is of such eminent virtues,—has afforded me during my indisposition more essential comfort, and more real consolation, than I have experienced from any other source.



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